

Exhibit C



Francis O. Scarpulla

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Practice Areas

- Antitrust
- Class Actions
- Complex Business Litigation

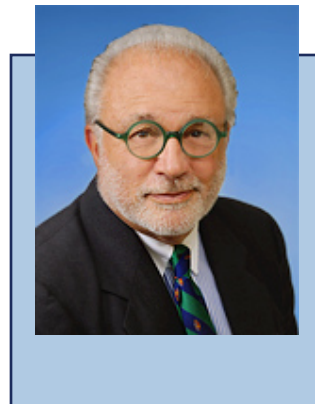
Education

- University of California, Hastings College of Law, J.D., 1967
- University of California, Berkeley, B.A., 1963

Bar and Court Admissions

- State Court: California
- U.S. Circuit Court of Appeals: Fifth, Seventh and Ninth Circuits
- U.S. Supreme Court
- U.S. District Court: Northern, Central, and Eastern Districts of California, Northern District of Illinois

Fran specializes in complex civil cases, primarily antitrust lawsuits, many of which are class actions. He has represented plaintiffs in many federal antitrust class actions, including among others, the Gypsum Wallboard Antitrust Litigation, Sugar Antitrust Litigation, Folding Cartons Antitrust Litigation, Fine Paper Antitrust Litigation, Corrugated Container Antitrust Litigation, Pharmaceutical Antitrust Litigation, Microsoft Monopolization Antitrust Litigation, De Beers Diamond Antitrust Litigation, Canadian Automobile Antitrust Litigation, and the Cosmetics Antitrust Litigation. In addition to federal antitrust class actions, Fran has acted as lead counsel in many class actions in California.



Representative Matters

St. Joe Paper Company v. Superior Court (state-court antitrust jurisdiction)

Union Carbide Corporation v. Superior Court (joinder of parties and fraudulent concealment)

Crown Oil Corporation v. Superior Court (federal pre-emption policies)

B.W.I. Custom Kitchen v. Owens-Illinois, Inc. (propriety of class action certification)

Noteworthy

“Antitrust Lawyer of the Year” for 2005, Antitrust Section of the California State Bar

Nominated by fellow lawyers to the Best Lawyers In America listing

Fran is AV rated by Martindale-Hubbell

News

Francis O. Scarpulla, 2005 Antitrust Attorney of the Year, joins Zelle Hofmann in San Francisco

Professional Affiliations

Golden Gate University Law School; Adjunct Professor

University of California, Hastings School of Law; Instructor - Legal Writing, 1985, 1988

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California State Bar Association - Antitrust and Trade Regulation Section Past Chair

Past Professional Experience

Law Offices of Francis O. Scarpulla, San Francisco, CA 1970-2006

Law Offices of Joseph L. Alioto, San Francisco, CA 1967-1970

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Craig C. Corbitt

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Practice Areas

- Antitrust
- Appellate Advocacy
- Class Actions
- Complex Business Litigation
- Intellectual Property Litigation
- Securities Litigation
- Trade Regulation

Education

- University of San Francisco, J.D., cum laude, 1978
- University of California at Davis, A.B., 1973

Bar and Court Admissions

- U.S. Supreme Court
- State Court: California
- U.S. Circuit Court of Appeals: Fifth, Seventh, Ninth, and D.C. Circuits
- U.S. District Court: Northern, Eastern, Central and Southern Districts of California, District of Arizona

Craig specializes in complex commercial litigation for both plaintiffs and defendants at the trial and appellate levels, particularly antitrust, trade regulation, intellectual property, securities, and contracts. Recently, among other matters he has represented Fortune 500 companies as plaintiffs in the Vitamins Antitrust Litigation in the District of Columbia federal court, the EPDM, CR and Rubber Chemicals synthetic rubber price fixing cases in various federal district courts, a national class of consumers in antitrust litigation against De Beers in the District of New Jersey concerning the diamond industry, and classes of California and Minnesota consumers and businesses in Microsoft Antitrust Litigation in state courts. These are among the largest antitrust cases in the country. Over the past twenty years, Craig has had a central role in dozens of major antitrust cases, including *Brand Name Prescription Drugs*, *ETSI v. Burlington Northern*, and *Southern Pacific Communications v. AT&T*.



RECENT COURT-APPOINTED POSITIONS

Liaison Counsel and Chair of Executive Committee, *Microsoft Antitrust Litigation*, California Superior Court

Co-Lead Counsel, *Pharmaceutical Antitrust Litigation*, California Superior Court

Co-Lead Counsel, *In re Western States Wholesale Natural Gas Antitrust Litigation*, District of Nevada

Co-Lead Counsel, *Initial Public Offering Fees Antitrust Litigation*, Southern District of New York

Executive Committee, *Smokeless Tobacco Antitrust Litigation*, California Superior Court

Executive Committee, *DRAM Antitrust Litigation*, Northern District of California

Liaison Counsel, *Automobile Antitrust Cases*, California Superior Court, San Francisco

Lead Counsel, *Credit-Debit Card Antitrust Litigation*, California Superior Court, San Francisco

Representative Matters

Southern Pacific Communications Co. v. AT&T, 740 F.2d 980, 1011 (D.C. Cir. 1984)

Longden v. Sunderman , 737 F.Supp. 968 (N.D. Tex. 1990)

Anderson v. Deloitte & Touche , 56 Cal.App.4th 1468 (1997)

In re Vitamins Antitrust Litigation , 120 F.Supp.2d 58 (D. D.C. 2000)

In re Vitamins Antitrust Litigation, 2001 WL755852 (D. D.C. 2001)

In re Automobile Antitrust Cases I and II, 135 Cal.App. 4th 100 (2005)

Noteworthy

Named as an Antitrust Litigation “Super Lawyer” for Northern California 2004, 2005, 2006, 2007

AV rated by Martindale-Hubbell

Professional Affiliations

Association of Business Trial Lawyers

American Association for Justice

American Bar Association

State Bar of California

Bar Association of San Francisco

American Antitrust Institute, Advisory Board

Federal Bar Association

American Judicature Society

Matthew R. Schultz

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Practice Areas

- Antitrust
- Appellate Advocacy
- Class Actions
- Complex Business Litigation
- Intellectual Property Litigation

Education

- Boalt Hall School of Law, J.D., 2000; Order of the Coif
- University of Maryland, College Park, B.A. Government & Politics, 1997

Bar and Court Admissions

- State Court: California
- U.S. Circuit Court of Appeals: Ninth Circuit
- U.S. District Court: Northern District of California

Matt focuses on complex commercial litigation, particularly in the areas of intellectual property, antitrust, business litigation, bankruptcy, unfair competition, and, as a general matter, appellate advocacy. In the intellectual property area, he has extensive experience in copyright, trademark, trade dress and trade secrets litigation, representing both plaintiffs and defendants. Matt's antitrust practice involves representation of individuals and businesses in antitrust actions. Matt's business litigation practice has included representation of plaintiffs and defendants in cases involving business torts, contractual disputes, fiduciary matters, unfair business practices and unfair competition. He has extensive experience in state, federal district and appellate courts.



Professional Affiliations

American Bar Association

San Francisco Bar Association

Past Professional Experience

Howard, Rice, Nemerovski, Canady, Falk, & Rabkin, PC, San Francisco, CA Associate, 2001-2005

Honorable Maxine Chesney, U.S. District Court, Northern District of California Law Clerk, 2001

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Judith A. Zahid

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Practice Areas

- Antitrust
- Class Actions
- Complex Business Litigation

Education

- Boalt Hall School of Law, Berkeley, J.D., Environmental Specialization Certificate, 2001; Prosser Prize in Torts; Berkeley Women's Law Journal, Article Editor
- University of California, Berkeley, B.A. Environmental Science, high honors, 1995

Bar and Court Admissions

- State Court: California
- U.S. Circuit Court of Appeals: Ninth Circuit
- U.S. District Court: Northern District of California

Judith's practice is devoted to complex litigation in the areas of antitrust and unfair competition.

Professional Affiliations

San Francisco Bar Association

American Bar Association

Past Professional Experience

Lieff, Cabraser, Heimann & Bernstein, LLC, San Francisco, CA Associate, 2001-2002



Traviss L. Galloway

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Practice Areas

- Antitrust
- Class Actions
- Complex Business Litigation
- Environmental Law
- Insurance Coverage

Education

- Howard University School of Law, J.D., 2004
- Florida State University, B.S., Finance and Real Estate, 2001

Bar and Court Admissions

- State Court: California
- U.S. District Court: Northern District of California

Traviss practices in a variety of areas of complex litigation. He has experience in antitrust, corporate, environmental, and insurance coverage issues. Traviss' antitrust experience involves representation of individuals and businesses in antitrust actions. In the property insurance coverage area, Traviss has litigation experience in complex matters involving a wide variety of coverage repair and other issues. Traviss' business litigation experience has included matters involving, contractual disputes, fiduciary matters, corporate governance disputes, unfair business practices and unfair competition. Traviss has served as a summer law clerk to the Honorable Judge Gary Ransom of the Sacramento Superior Court. Traviss has also served as a law clerk for the District of Columbia Public Defender Service, Juvenile Services Division.

Professional Affiliations

American Bar Association

San Francisco Bar Association

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Richard M. Hagstrom

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rhagstrom@zelle.com

Practice Areas

- Antitrust
- Appellate Advocacy
- Class Actions
- Complex Business Litigation
- Environmental Law
- Insurance Coverage
- Intellectual Property Litigation
- Trade Regulation

Education

- University of Utah Law School, J.D., , 1976
- University of Minnesota, B.S., with distinction, 1973

Bar and Court Admissions

- State Court: Minnesota, Utah
- U.S. Circuit Court of Appeals: Federal, Sixth, Eighth, and Tenth Circuits
- U.S. Supreme Court

Rick handles a variety of complex litigation matters in state and federal courts across the country. These matters, primarily in the areas of antitrust, insurance coverage and commercial litigation, involve high dollar exposure, and often multiple parties. As a former chief of the antitrust section for the Utah Attorney General's Office, Rick provides antitrust counseling and has defended and prosecuted numerous antitrust actions. He has been co-lead counsel in the only two indirect purchaser antitrust lawsuits against Microsoft Corporation that went to trial. In 2004, after seven weeks of trial, Rick reached a \$182 million settlement with Microsoft Corporation on behalf of Minnesota businesses and consumers. In November 2006, Rick helped lead another class action trial against Microsoft in Des Moines, Iowa, which settled in February 2007 for \$180 million. Rick also led a third consumer class action against Microsoft in Wisconsin, which settled in 2007 for \$224 million. That settlement delivered far more to the Wisconsin Class than an earlier proposed settlement between Microsoft and other Plaintiffs' counsel, which Rick and his team defeated.



In the insurance coverage arena, Rick has been national litigation counsel for environmental claims for a major property and casualty insurer. Rick has successfully handled dozens of cases for his insurer clients involving environmental, product, mass tort, and bad faith claims. In addition, Rick has advised insurers on regulatory matters.

In the commercial arena, in addition to antitrust litigation, Rick has represented both plaintiffs and defendants in RICO, unfair trade practices, and intellectual property litigation.

Rick has been named a Minnesota Attorney of the Year.

Representative Matters

Comes v. Microsoft Corporation (Iowa) (antitrust)

Gordon v. Microsoft Corporation (Minn.Dist.Ct.) (antitrust) *Group Health Plan, Inc. v. Philip Morris Incorporated* (antitrust and trade regulation claims)

Erickson v. Fullerton (health insurance subrogation)

Utah Assoc. Municipal Power Systems v. Public Service Comm. of Utah (regulatory/antitrust)

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- U.S. District Court:
Districts of Minnesota,
Utah, Eastern District of
Wisconsin, Eastern
District of Arizona,
Eastern District of
Michigan, District of
Colorado, Southern
District of Illinois, Eastern
District of Texas

Utah Attorney General Opinion, 1985-2 Trade Cas. ¶ 66,882 (1985) (antitrust)

Utah Attorney General Opinion, 1988-2 Trade Cas. ¶ 68,234 (1988) (antitrust)

State of Utah v. Thompson (criminal RICO/antitrust conviction affirmed)

State of Utah v. Fletcher (criminal RICO/antitrust conviction affirmed)

State of Illinois v. Associated Milk Producers, Inc. (summary judgment in antitrust case)

Sentry Foods, Inc. v. Associated Milk Producers, Inc. (summary judgment in antitrust case) *Sauk County v. Employers Ins. of Wausau* (summary judgment in environmental insurance coverage case)

Regent Ins. Co. v. City of Manitowoc (summary judgment in environmental insurance coverage case)

McGraw-Edison Co. v. Speed Queen Co. (environmental insurance coverage)

LaSalle Nat'l Trust, N.A. v. Schaffner (environmental insurance coverage)

Kohler Company v. Employers Ins. of Wausau (summary judgment in environmental insurance coverage case)

Hoechst-Celanese Corp. v. National Union Fire Ins. Co. (product liability insurance coverage)

Green v. Associated Milk Producers, Inc. (summary judgment in antitrust case)

Gencorp, Inc. v. AIU Ins. Co. (environmental insurance coverage)

Employers Ins. of Wausau v. Jostens, Inc. (environmental insurance coverage)

Employers Ins. of Wausau v. Ehlco Liquidating Trust (environmental insurance coverage)

Dico, Inc. v. Employers Ins. of Wausau (environmental insurance coverage) *Detrex Chemical Industries, Inc. v. Employers Insurance of Wausau* (environmental insurance coverage)

Daley v. Farm Credit Administration (summary judgment for plaintiff in age discrimination case) *Community Nutrition Institute v. Block* (federal milk market order)

City of Richland Center v. M&I Bank Southwest (summary judgment for insurer in bad faith claim) *Cherne Contracting Corporation v. Wausau Insurance Companies* (summary judgment for insurer in workers compensation/bad faith insurance coverage claim)

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Alexander v. National Farmers Organization (antitrust)

Acme Printing Ink Company v. Menard, Inc. (environmental insurance coverage)

A.Y. McDonald Industries, Inc. v. Ins. Co. of North America (summary judgment for insurer in environmental insurance coverage claim)

News

Richard Hagstrom - Minnesota Attorney of the Year!

Professional Affiliations

American Bar Association; Antitrust Section; Torts and Insurance Practice Section

Utah State Bar Association

Minnesota State Bar Association

Hennepin County Bar Association

Past Professional Experience

Utah Attorney General's Office, Chief, Antitrust Section, 1985-1988

Berde & Hagstrom, P.A., 1978-1985

Meagher & Geer, 1976-1978

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mjacobs@zelle.com

Practice Areas

- Antitrust
- Class Actions
- Complex Business Litigation
- Intellectual Property Litigation

Education

- Georgetown University Law Center, J.D., magna cum laude, 1998
- University of Wisconsin-Madison, M.A., Latin American history, 1995
- University of Chicago, B.A., with honors, 1993

Bar and Court Admissions

- State Court: Minnesota
- U.S. District Court: District of Minnesota

Michael has experience in both private practice and government service in the areas of antitrust and intellectual property litigation as well as in general litigation. In the intellectual property context, Michael has been involved in copyright, trademark/trade dress, and patent infringement litigation, and has dealt with the intersection between antitrust and intellectual property in a number of patent cases. He also has considerable experience with domain name disputes and other Internet-related legal issues. Apart from litigation, Michael has provided antitrust counseling and helped clients through the Hart-Scott-Rodino pre-merger notification process.



While at the Minnesota Attorney General's office, Michael was involved with the remedies proceedings against Microsoft Corp. in *State of N.Y., et al. v. Microsoft*. Since joining Zelle Hofmann, Michael has been an integral part of the firm's involvement in Microsoft indirect purchaser actions in Minnesota, Iowa and Wisconsin.

Professional Affiliations

Hennepin County Bar Association

Minnesota State Bar Association

American Bar Association; Antitrust Law Section

Past Professional Experience

Minnesota Office of the Attorney General, St. Paul, Minnesota 2001-02

Dorsey & Whitney LLP, Minneapolis, Minnesota 2000-01

Stoel Rives, LLP, Portland, Oregon 1998-2000

Our Firm

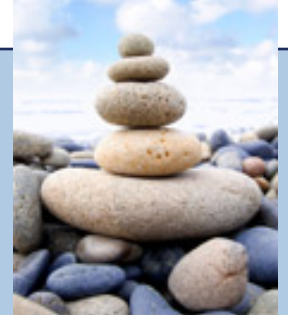
Firm Overview

Zelle Hofmann is a national dispute resolution and litigation law firm with offices in Boston, Dallas, Minneapolis, San Francisco and Washington, D.C. The Firm handles complex litigation and disputes on a national and international basis. Zelle

Hofmann represents both defendants and plaintiffs in its trial and dispute resolution practice. The Firm's broad litigation experience includes antitrust, banking, business torts, class action, commercial, employment, environmental, ERISA, financial services, insurance coverage, intellectual property, mass tort, mold claims, personal injury, product liability, professional liability, reinsurance, securities, subrogation-third party recovery, unfair business practice and unfair competition litigation. Zelle Hofmann is organized into groups that practice in particular areas, drawing on resources in all offices.

Zelle Hofmann concentrates on representing clients in connection with their most complex, problematic and high-risk lawsuits and legal disputes. Our balanced plaintiff-defense practice has enabled us to gain insight from both sides of the aisle in litigation. For example, our representation of plaintiffs gives us an advantage when representing a defendant, both because we know and have worked with many plaintiffs' lawyers, and because we understand the strategies undertaken in representing plaintiffs. Since our contingency practice obligates us to fund many of our clients' cases, we are particularly sensitive to the need to handle defense matters in an effective and efficient manner - at all times minimizing costs, avoiding unnecessary expenses, while doing everything to ensure the most favorable of results. We are also keenly focused on avoiding overstaffing of cases or undertaking tasks which have limited utility. Our ability to efficiently staff cases and to minimize out-of-pocket expenditures has served all our clients very well.

Areas in which Zelle Hofmann can be highly effective include the handling of particularly problematic cases and emerging issues, such as those with the potential for rulings which may have company-wide impact, high exposure cases, and other cases presenting the most difficult challenges. Our particular experience also lends itself to service as national or global managing or coordinating counsel in the direction and supervision of multiple claims by in-house claim staff and other outside counsel. In addition, with extensive experience in the antitrust area, Zelle Hofmann is well-suited to advise clients on antitrust matters and to represent plaintiffs or defendants in price-fixing, monopolization, restraint



Our Firm

of trade, distribution and other antitrust cases, including class actions. Through our extensive experience in the intellectual property area, we are also able to help individuals and businesses protect their trademarks, copyrights, patents and other invaluable intangible assets.

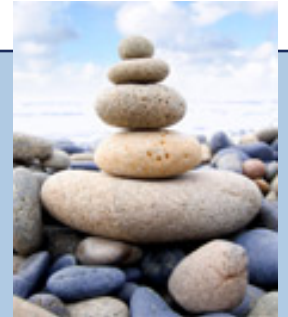
The Firm has an international presence through its affiliate offices in Shanghai and Beijing, People's Republic of China, with the Chinese law firm of ZY & Partners. ZY & Partners is one of China's leading commercial law firms. It offers business consultation on a wide variety of matters, particularly to clients seeking to commence operations in China. ZY & Partners also has a rich history of representing Chinese clients, and Western clients such as The Kellogg Company, The Gap and The Walt Disney Company, before Chinese courts and administrative agencies.

Our Firm

Diversity Commitment

Zelle Hofmann serves global and increasingly diverse clients, who gain from the varied perspectives, creativity, innovation and energy created by a diverse and inclusive workforce. The firm is committed to maintaining an environment in which its lawyers and staff are valued for their unique backgrounds, personal characteristics, and thinking and working styles. Attracting top-quality talent is crucial to our success and we seek out such skilled individuals from a wide-spectrum of backgrounds and characteristics.

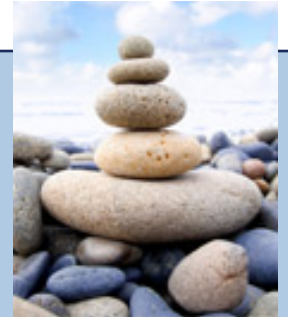
We are committed to achieving diversity through recruiting, nurturing the trust and open discussions that promote inclusiveness and experimenting with ways to enable our attorneys to achieve work-life balance while fully contributing to serving our clients.



Our Firm

Litigation Technology

Technology offers tremendous information management and control efficiencies in the litigation environment. Zelle Hofmann uses technology in strategic ways that create advantages and savings for its clients. The latest technology is employed to maximize productivity and efficiency. Our attorneys are equipped with tools allowing them to be productive and responsive wherever they may be around the world. Private extranets are employed with clients and co-counsel to enhance collaboration and minimize the cost of sharing massive amounts of information. Zelle Hofmann has a full-service Litigation Support group offering E-discovery support services, image and database repositories, trial graphics, and courtroom technology support. Zelle Hofmann maintains storage area network (SAN) technology to host multi-million page document repositories. Whereas most law firms use outside data repositories such as Case Central, Zelle Hofmann hosts massive databases internally at a fraction of the typical vendor cost. In large-scale litigation, clients can easily realize six-figure savings from Zelle Hofmann's document management approach and Zelle Hofmann attorneys realize efficiency and control benefits from such internal hosting. If you have questions about Zelle Hofmann's use of technology, contact us.



OFFICE LOCATIONS

BOSTON

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Waltham, MA 02451
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DALLAS

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Telephone: (214) 742-3000 Facsimile: (214) 760-8994

MINNEAPOLIS

500 Washington Avenue South, Suite 4000
Minneapolis, MN 55415
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SAN FRANCISCO

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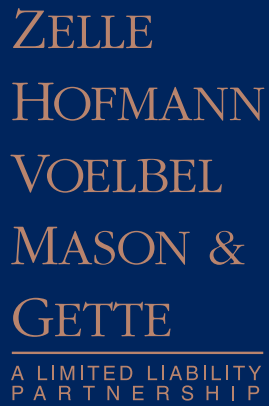
WASHINGTON, D.C.

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Washington, D.C. 20007
Telephone: (202) 498-2457 Facsimile: (866) 794-2651

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Web Address: www.zelle.com



Antitrust

Partners

- Joseph W. Bell
- Michael R. Cashman
- Thomas H. Cook, Jr.
- Craig C. Corbitt
- Richard M. Hagstrom
- Michael E. Jacobs
- Daniel S. Mason
- Christopher T. Micheletti
- Mitchell J. Rapp
- James S. Reece
- Francis O. Scarpulla
- Troy J. Seibert

Zelle Hofmann attorneys have been practicing antitrust litigation and counseling for over 30 years. We represent plaintiffs and defendants in price-fixing, monopolization, mergers and acquisitions, restraint of trade, distribution and price discrimination cases, including both individual cases and class actions. We have practiced in federal and state courts and administrative agencies throughout the country. Zelle Hofmann attorneys represent consumers, small businesses, multi-national corporations, and state and national plaintiff classes. We are experienced in counseling clients on a wide variety of non-litigation antitrust matters, including, among others, issues related to antitrust compliance programs, mergers and acquisitions, Robinson-Patman Act matters, and the formation and operation of joint ventures. We have represented parties in patent infringement cases involving claims or defenses asserting antitrust violations. We also represent corporate plaintiffs which elect to opt-out of class actions, and have obtained significantly greater recoveries on their behalf than obtained by class plaintiffs.

View summaries of antitrust cases.

Antitrust Cases

Examples of Current Antitrust Cases

Air Cargo Shipping Services Antitrust Litigation (U.S. District Court, E.D.N.Y.). Zelle Hofmann represents a nationwide class of indirect purchasers of Air Cargo shipping services in this multidistrict class action. A partial settlement has been reached with one defendant for \$85 million, and a proceeding is currently underway to allocate the settlement proceeds between indirect purchasers and other plaintiffs in the litigation.

Cosmetics Antitrust Litigation (U.S. District Court, N.D. Cal.; California Superior Court, Marin County). A consumer class action on behalf of California purchasers seeking redress for alleged price-fixing by department stores and manufacturers of high-end cosmetics and beauty products. The complaint alleges that the department stores and manufacturers violated and continue to violate the California Cartwright Act and the Unfair Competition Act. The case settled for injunctive relief and consideration valued at \$175 million.

Credit/Debit Card Tying Cases (California Superior Court, San Francisco). Zelle Hofmann is Lead Counsel in a consumer class action lawsuit against Visa U.S.A., Inc., Visa International Corp. and MasterCard International, Inc., alleging that defendants and others collusively set unreasonably high charges for debit cards that vendors passed on to consumers in the form of higher prices on retail goods and services. The complaint alleges violations of California's Unfair Competition Law, and seeks injunctive relief and restitution arising from defendants' alleged illegal tying arrangements and anti-competitive activities.

Chinese Vitamin C Antitrust Litigation (U.S. District Court, California and Massachusetts State Courts). Zelle Hofmann has been retained by a major Chinese manufacturer of Vitamin C and certain of its affiliates in connection with federal and state antitrust actions filed on behalf of putative classes of direct and indirect purchasers. The federal direct purchaser case was filed in the Eastern District of New York. Indirect purchaser cases have been filed in California and Massachusetts. All of the complaints allege a price-fixing conspiracy among four Chinese manufacturers beginning in December 2001.

DRAM Antitrust Litigation (U.S. District Court, N.D. Cal.; California Superior Court, San Francisco). Zelle Hofmann is the Court-appointed Liaison Counsel and a member of plaintiffs' Executive Committee, in a nationwide class action

brought by indirect purchasers of DRAM. Plaintiffs allege that DRAM manufacturers conspired to fix the prices from April 1, 1999 through December 31, 2002. The class includes purchasers of computers and other products containing DRAM, and seeks injunctive relief and damages under state and federal laws. The case is pending in the U.S. District Court for the Northern District of California before Judge Phyllis J. Hamilton. A partial settlement has been reached with one defendant for \$82.5 million.

EPDM Antitrust Litigation (U.S. District Court, D. Conn.) Zelle Hofmann represents a large corporate plaintiff which opted out of a class settlement and is pursuing separate litigation in connection with an alleged conspiracy to fix prices and allocate market shares by manufacturers of EPDM, a synthetic rubber product.

Flash Memory Antitrust Litigation (U.S. District Court, N.D. Cal.) Zelle Hofmann serves as the court-appointed Co-Lead Counsel representing a nationwide class of indirect purchasers of Flash Memory products in this multi-district antitrust class action filed against the largest manufacturers of Flash Memory. Plaintiffs allege that these companies conspired to fix, raise and maintain the prices of Flash Memory. These cases are consolidated before Judge Sandra B. Armstrong in the U.S. District Court for the Northern District of California.

Intel Corp. Microprocessor Antitrust Litigation (U.S. District Court, D. Del.) Zelle Hofmann represents consumers in a nationwide class action against Intel on behalf of consumer and business purchasers of x86 microprocessors used in personal computers and other products. The complaint alleges that Intel abused its dominant position in the x86 microprocessor market by, among other things, engaging in exclusive dealing arrangements with various Original Equipment Manufacturers such as Dell, HP, IBM/Lenovo, and NEC in an effort to lock AMD out of several key market segments. The complaint alleges that as a result of these practices consumers and businesses paid artificially high prices for products containing Intel's x86 microprocessors. The cases are consolidated before Judge Joseph Farnan in the U.S. District Court in Delaware, along with the related individual competitor action filed by AMD.

Linerboard Antitrust Litigation (U.S. District Court, E.D. Pa.) Zelle Hofmann represents, as opt-outs, three major international companies in this federal antitrust action against integrated manufacturers of linerboard, corrugated medium, and corrugated containers. The complaint alleges that the manufacturers violated U.S. antitrust laws by, among other things, conspiring to reduce linerboard inventories and thereby increase prices. The complaint seeks damages and injunctive relief.

Microsoft Antitrust Litigation (California Superior Court, San

Francisco). Zelle Hofmann is the Court-appointed Liaison Counsel and Chair of the Plaintiffs' Executive Committee, in this indirect purchaser class action on behalf of an estimated fourteen million California consumers and businesses. The Class alleges that Microsoft illegally acquired and maintained monopolies in the markets for Microsoft's MS-DOS and Windows operating system software, as well as its Word and Excel applications software, in violation of California's Cartwright Act and Unfair Competition Act. The plaintiffs allege that, as a result of Microsoft's illegal conduct, they were overcharged for this software. In early 2003, on the eve of trial, after over three years of intensive litigation, the case settled for \$1.1 billion.

Microsoft Antitrust Litigation (Hennepin County District Court, Minnesota). Zelle Hofmann is the court-appointed Co-Lead Counsel for a class of indirect purchasers of Microsoft's operating systems, word processing and spreadsheet software certified by the Hennepin County District Court in Minnesota. The action is brought pursuant to Minnesota antitrust law. In June 2002, the Minnesota Supreme Court upheld the decision of the Minnesota Court of Appeals not to review the District Court's order granting plaintiffs' motion for class certification. Plaintiffs subsequently defeated Microsoft's motions for partial summary judgment and to decertify the classes. On March 1, 2004, plaintiffs, led by Zelle Hofmann, began the first-ever antitrust, consumer class action jury trial against Microsoft. Six weeks later, after plaintiffs introduced evidence of Microsoft's anticompetitive conduct that had never been publicly disclosed following the direct testimony of plaintiffs' liability expert, the parties reached a settlement for over \$175 million, the largest in the history of Minnesota consumer antitrust litigation.

Microsoft Antitrust Litigation (Iowa District Court for Polk County). Zelle Hofmann serves as the court-appointed Co-Lead Counsel for a class of indirect purchasers of Microsoft's operating systems, word processing and spreadsheet software, certified by the Polk County District Court in Iowa under state antitrust law. On November 13, 2006, plaintiffs, led by Zelle Hofmann and co-counsel, began the second-ever antitrust, consumer class action jury trial against Microsoft (after having successfully faced Microsoft at trial in Minnesota state court, in 2004, in a similar proceeding). Three months into trial, the parties reached a settlement for close to \$180 million in cash payments to consumers and vouchers to volume licensees and state and local governments. This is the first Microsoft action to include cash payments to consumers. One-half of unclaimed proceeds will be paid in technology vouchers to Iowa public schools. Additionally, Iowa Legal Aid received \$1 million in cash out of the cy pres funds. The settlement received final approval on August 31, 2007.

Microsoft Antitrust Litigation (Milwaukee County (Wisconsin) Circuit Court). Zelle Hofmann serves as the court-appointed Co-Lead Counsel for a class of indirect purchasers of Microsoft's operating systems, word processing and spreadsheet software, certified by the Milwaukee County District Court in Wisconsin under state antitrust law. The parties reached a settlement for close to \$224 million in vouchers to consumers, businesses, and state and local governmental entities. One-half of unclaimed vouchers goes to needy Wisconsin public schools in the form of technology vouchers which can be used for most software and hardware. The settlement received final approval on April 6, 2007.

Microsoft Antitrust Litigation, California Government Entities (U.S. District Court, D. Md.) Zelle Hofmann is co-counsel for a class of California government entities, including the City of San Francisco and Los Angeles, Santa Clara, Contra Costa, and San Mateo counties as plaintiffs and class representatives, against Microsoft for unlawful monopolization of operating system, word processing, and spreadsheet software markets. The parties reached a settlement for \$70 million.

Natural Gas Antitrust Cases (U.S. District Court, D. Nev.; California Superior Court, San Diego). Federal and state class actions against marketers of natural gas in California, alleging violations of the Sherman Act, California Cartwright Act and the Unfair Competition Act. The actions are brought on behalf of direct and indirect persons and entities in California who purchased natural gas between January 1, 2000 and December 31, 2001, i.e., during the California Energy Crisis. The actions allege that, among other things, the defendants and their co-conspirators engaged in a variety of anticompetitive practices which raised interstate natural gas transportation prices, the bundled price of natural gas, spot natural gas prices, and natural gas market basis swap derivative settlement amounts in and for California. Zelle Hofmann is Co-Lead Counsel in the federal case and a member of the Executive Committee in the state case. Partial settlements totaling approximately \$160 million have been reached and approved by the Court to date.

New Motor Vehicles Canadian Export Antitrust Litigation (U.S. District Court, D. Maine). Zelle Hofmann has a major role in class actions on behalf of new car buyers against the major new car manufacturers, alleging a conspiracy to prevent lower-cost new cars from being exported from Canada to the United States, thereby causing higher prices for new cars in the United States. The firm is Liaison Counsel in the California state court action, which is coordinated with a nationwide federal action pending in the United States District Court in Portland, Maine. Plaintiffs have secured over \$35 million to date in partial settlements.

Pharmacy Benefit Managers Antitrust Litigation (U.S. District Court, E.D. Pa.). Zelle Hofmann represents a nationwide class of retail pharmacists alleging antitrust violations by Medco, the leading Pharmacy Benefits Manager, and Merck, a leading pharmaceutical manufacturer, in connection with the pricing and distribution of prescription drugs.

Smokeless Tobacco Antitrust Litigation (California Superior Court, San Francisco). Plaintiffs have obtained preliminary approval of a \$96,000,000 settlement in the Smokeless Tobacco Antitrust Litigation pending in the California Superior Court in San Francisco, California. Zelle Hofmann attorneys have been integrally involved in this litigation, as the firm serves on the Executive Committee, and was extensively involved in all aspects of this case. The settlement was achieved after five years of hard-fought litigation, after the completion of most discovery, as trial approached, and in the context of a court-ordered mediation before a former Justice of the California Court of Appeal. The proposed settlement compensates a class of California indirect purchasers of moist snuff products which alleged that U.S. Smokeless Tobacco monopolized the moist snuff market and engaged in restrictive and exclusionary acts during the time period 1990 to the present in violation of California state antitrust laws.

Static Random Access Memory (SRAM) Antitrust Litigation (U.S. District Court, N.D. Cal.). Zelle Hofmann serves as the court-appointed Lead Counsel representing a nationwide class of indirect purchasers of SRAM products in this multi-district antitrust class action filed against the largest manufacturers of Static Random Access Memory (SRAM). Plaintiffs allege that these companies conspired to fix, raise and maintain the prices of SRAM. These cases are consolidated before Judge Claudia Wilken in the U.S. District Court for the Northern District of California.

Sullivan et al. v. DeBeers et al. (U.S. District Court, D.N.J.). Zelle Hofmann represents consumers in a class action lawsuit brought on behalf of diamond purchasers in the United States, alleging that the De Beers group of companies unlawfully monopolized the gem diamonds market. The court preliminarily approved a class actions settlement on March 31, 2006. The Settlement created a \$272.5 million Settlement Fund for resellers and consumers who purchased diamonds from January 1994 through December 2005. In addition, as part of the settlement, De Beers agreed to a stipulated injunction, which provides that De Beers will not engage in certain conduct that would violate U.S. antitrust laws, and will submit to the Court's jurisdiction for the purpose of enforcement of the injunction. A hearing on final approval of the settlement is expected to occur in early spring 2008.

TFT-LCD (Flat Panel) Antitrust Litigation (U.S. District Court, N.D. Cal.).

Zelle Hofmann serves as the court-appointed Co-Lead Counsel representing a nationwide class of indirect purchasers of LCD products, such as flat panel televisions and computer monitors, in this multi-district antitrust class action filed against the world's leading manufacturers of thin-film transistor liquid crystal display (TFT-LCD), and alleging that these companies engaged in a conspiracy to artificially inflate the prices of their LCD products. These cases are consolidated before Judge Susan Illston in the U.S. District Court for the Northern District of California.

Examples of Significant Historical Antitrust Cases

Below are summaries of significant historical antitrust cases on which Zelle Hofmann attorneys have worked. These cases demonstrate the breadth of Zelle Hofmann attorneys' experience in prosecuting and defending antitrust matters.

American Basketball Ass'n v. National Basketball Ass'n (U.S. District Court, N.D. Cal.).

An antitrust suit was filed in 1969 on behalf of the ABA, then only two years old, against the NBA, accusing the latter of attempting to eliminate competition and restrain trade through the control or monopolization of superstars and other players, facilities and television coverage. A settlement was reached in 1971, whereby both leagues promised to petition Congress for antitrust exemption legislation. The ABA contended that the NBA was not honoring this agreement and was continuing to restrain trade. Zelle Hofmann and other attorneys represented the ABA in a second action filed in 1974. In 1976, the ABA and NBA settled a few weeks before trial, with the Denver Nuggets, Indiana Pacers, San Antonio Spurs and New York Nets joining the NBA. *Published opinions:* 404 F.Supp. 832 (S.D.N.Y. 1975); 389 F.Supp. 867 (S.D.N.Y. 1975).

Asphalt Antitrust Litigation (U.S. District Court, N.D. Cal., D. New Mex., D. Idaho, D. Colo.). A price-fixing case brought on behalf of various public bodies. *See State of New Mexico v. American Petrofina, et al.*, 501 F.2d 363 (9th Cir. 1974).

Brand Name Prescription Drugs Antitrust Litigation (U.S. District Court, N.D. Ill.).

A federal antitrust action by plaintiff classes of retail pharmacists alleging price fixing of brand name prescription drugs by two dozen of the world's largest pharmaceutical manufacturers and wholesalers. The class obtained over \$700 million in settlements, plus commitments with respect to future pricing practices.

B.W.I. Custom Kitchens v. Owens Illinois, et al. (California Superior Court, San Francisco.) 191 Cal.App.3d 1341, 235 Cal.Rptr. 228 (1987). An antitrust action on behalf of a class of California indirect purchasers of glass containers.

California Indirect-Purchaser Infant Formula Antitrust Litigation, (California Superior Court, Los Angeles.) 1998 WL 1031494, 1998-2 Trade Cases ¶72,336. An antitrust action under the California Cartwright Act on behalf of a class of consumers who purchased infant formula.

Carbon Black Antitrust Litigation (U.S. District Court, C.D. Cal., California Superior Court, San Francisco). A class action brought against producers of carbon black, an engineered carbon compound, alleging violations of the California Cartwright Act and the Unfair Competition Act. The action was brought on behalf of persons and entities in California who indirectly purchased carbon black from June 19, 1999 through the present. The action alleges that, among other things, the defendants and their co-conspirators conspired and engaged in price-fixing, market allocation and other anticompetitive practices which raised carbon black prices in California. The complaint seeks injunctive relief, restitution, and damages arising from defendants' alleged unlawful activities. Zelle Hofmann was the court-appointed Co-Liaison counsel for the state court plaintiff class and a member of the plaintiffs' executive committee.

Espirit de Corp. v. Alton Box Board Co., et al. (California Superior Court, San Francisco; U.S. District Court, N.D. Cal., 9th Cir.). An antitrust class action on behalf of California indirect purchasers of corrugated boxes, and involving a related federal court action addressing preemption, jurisdictional and other issues. *See Alton Box Board Co. v. Esprit De Corp.*, 682 F.2d 1267 (9th Cir. 1982).

ETSI Pipeline Project v. Burlington Northern, Inc. (U.S. District Court, E.D. Tex.). This litigation was one of the largest cases ever tried in federal court. The case involved allegations that a group of railroads, including the Atchison, Topeka & Santa Fe Railway Co., conspired over a ten-year period to prevent a pipeline from being built that would transport slurried coal from South Dakota to Texas. The plaintiffs included Bechtel Corp., Texas Eastern Pipeline Co., Houston Lighting & Power Co. and the Lower Colorado River Authority/City of Austin. Zelle Hofmann attorneys and other attorneys commenced representation of defendant Santa Fe in October of 1987. Over the next two years, Zelle Hofmann attorneys were involved in many depositions, preparation of briefs on nearly every conceivable aspect of antitrust law and trial procedure, and the preparation for a lengthy trial. Trial commenced in Beaumont, Texas in January of 1989 and lasted two months. Santa Fe by then was the only remaining defendant. After the jury found for ETSI but against HL&P, Zelle Hofmann attorneys participated in a vigorous appeal, and the case was eventually settled during the pendency of the appeal when the client moved forward with its restructuring program.

Gypsum Wallboard Antitrust Litigation (U.S. District Court, N.D. Cal.) A price fixing case brought on behalf of a national class of governmental bodies. See *In re Gypsum Cases*, 386 F. Supp. 959 (N.D.Cal. 1974), 1974-2 Trade Cases ¶74,272 (N.D. Cal. 1974).

In re Concrete Antitrust Litigation (U.S. District Court, D. Ariz.) 1980 WL 1994 (D.Ariz.), 1980-81 Trade Cases P 63,798. An antitrust class action on behalf of Arizona ready mix concrete purchasers.

In re Folding Cartons Antitrust Litigation (U.S. District Court, N.D. Ill., 7th Cir.) 567 F.2d 392 (7th Cir. 1977). An antitrust price fixing action brought on behalf of a nationwide class of direct purchasers of folding cartons.

In re Sugar Industry Antitrust Litigation (U.S. District Court, N.D. Cal) 1976 WL 1374. An antitrust price fixing action brought on behalf of three private classes of sugar purchasers in the Western United States.

In re Toys' R Us Antitrust Litigation (U.S. District Court, E.D.N.Y.) 191 F.R.D. 347 (E.D.N.Y. 2000). A nationwide class action alleging anticompetitive activities in the children's toy market.

Issuer Public Offering Fee Antitrust Litigation (U.S. District Court, S.D.N.Y.). A class action on behalf of issuing companies against underwriters of initial public offerings, alleging price fixing of IPO underwriting fees. Zelle Hofmann was the court-appointed Co-Lead Counsel for the plaintiff class.

Kellogg Company – Shared Monopoly Case (Federal Trade Commission). Zelle Hofmann attorneys and other attorneys represented Kellogg Company in this case which literally threatened the company's existence. An activist Federal Trade Commission hoped to establish the power to regulate highly concentrated industries under Section 5 of the FTC Act even where no violation of the antitrust laws was shown. The FTC sought to break Kellogg into four companies based on the claim that it had shared a cereal monopoly with three other major cereal manufacturers through parallel, non-collusive activity. The FTC also sought to compel Kellogg to license its trademarks on a royalty-free basis. The case involved industrial organization issues of parallel corporate conduct, creation of barriers to entry and excess profitability. Zelle Hofmann attorneys participated in the development of creative defense strategies and presented and rebutted highly sophisticated economic testimony. The FTC ultimately dismissed the case, after the administrative law judge ruled in Kellogg's favor on nearly every disputed issue of fact.

Kellogg Company of Great Britain Ltd. -- UK Cartonboard Matter (High Court of Justice, London). A private antitrust action in the United Kingdom on behalf of an international food manufacturer alleging price fixing by suppliers of packaging materials. Kellogg of Great Britain's claims related to the defendants' participation from mid-1986 until at least April 1991 in a European Community-wide price-fixing conspiracy, as a result of which Kellogg alleged that it was charged excessive prices for cartonboard. Zelle Hofmann negotiated a favorable settlement on its client's behalf.

Pharmaceutical Cases I, II and III (California Superior Court, San Francisco). An indirect-purchaser, consumer class action alleging that prescription drug manufacturers and wholesalers kept prices unreasonably high to retail pharmacies that passed on the overcharges to consumers.

Plumbing Fixtures Antitrust Litigation (E.D. Pa.). A price-fixing case brought on behalf of classes of public bodies and various private clients. *See Lindy Bros. v. American Radiator & Standard Sanitary Corp.*, 487 F.2d 161 (3rd Cir. 1973).

Plywood Antitrust Litigation (U.S. District Court, E.D. La.). The Fifth Circuit upheld a jury verdict finding that three plywood manufacturers – Georgia Pacific Corp., Weyerhaeuser Co. and Willamette Industries – had conspired to fix delivered prices, with possible damages estimated to be as high as \$2 billion. Zelle Hofmann attorneys and other attorneys, representing defendants, won important rulings on the damage phase of the case at the trial level and led a successful effort to have the Supreme Court grant certiorari to review the verdict of liability. The case was eventually settled for a sum far less than projected damage exposure. Published opinions: 655 F.2d 627 (5th Cir. 1981); 663 F.2d 101 (5th Cir. 1981), cert. dismissed, 462 U.S. 1125 (1983).

Presidio Golf Club of San Francisco, Inc., et al. v. National Service Industries, Inc. (U.S. District Court, N.D. Cal.) 1972 WL 606, 1972 Trade Cases ¶74,129. A price fixing action brought on behalf of class of linen service users against linen suppliers.

Sprint (Southern Pacific Comm. Co. v. AT&T (U.S. District Court, N.D. Cal., D.C. Cir.). In December of 1982, Southern Pacific Co. had lost an antitrust action in the federal district court for the District of Columbia against AT&T for attempting to monopolize the market for private line telecommunications services (SPI). Also, the time was running out for filing a second action against AT&T for attempting to monopolize the market for switched telephone services (SP II). Zelle Hofmann attorneys and other attorneys represented Southern Pacific on appeal. Although the District of Columbia

Circuit upheld the judgment below, Zelle Hofmann attorneys represented Southern Pacific in SP II in federal district court in San Francisco, where it was consolidated for discovery purposes with similar actions by MCI and U.S. Transmission Systems. AT&T's summary judgment motion based on res judicata was defeated in mid-1985. While additional summary judgment motions were pending, the case settled favorably for Southern Pacific. Published opinions: 740 F.2d 980 (D.C.Cir.), cert. denied, 470 U.S. 1005 (1984); 740 F.2d 1011 (D.C.Cir. 1984).

Vitamins Antitrust Litigation (U.S. District Court, D.D.C.). Zelle Hofmann represented a major international food manufacturer in a federal antitrust action against domestic and foreign manufacturers of bulk vitamins, vitamin premixes and other vitamin products used in the manufacture of food products. The complaint alleged that the manufacturers violated U.S. antitrust laws by, among other things, conspiring to fix prices, allocate sales and allocate customers. The matter was settled on a highly favorable basis to our client, for significantly more money than could have been achieved through the class action.

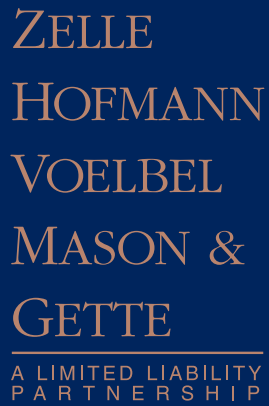
Appellate Advocacy

Zelle Hofmann attorneys have successfully litigated scores of appeals resulting in many important appellate decisions on fundamental issues of law. These include the following:

- The extent of federal question jurisdiction over state law land disputes
- Application of Daubert principles to custom and practice testimony
- The enforceability of indemnity agreements releasing construction contractors from their own negligence
- Applicability of suit limitation provisions in property insurance policies.
- Whether the costs incurred for asbestos abatement/removal are insurable under a property insurance policy.
- Whether an EPA letter constitutes a suit.
- Whether a class can be certified in real estate dispute involving thousands of similarly-situated property owners
- Whether the sudden and accidental pollution exclusion bars claims for gradual pollution.
- Whether the owned property exclusion bars coverage for pollution.
- Whether governmental agency response costs are damages.
- Proof of lost profit damages for tortious interference with the business of a start-up company
- Whether environmental claims are covered under personal injury coverage.
- Whether patent, copyright, and trademark claims are covered under advertising injury coverage.
- Whether late notice bars coverage.
- Whether voluntary payments are covered.
- Whether pre-tender defense costs are covered.
- Whether a transaction constitutes a merger or an acquisition in the D&O context.
- Whether third parties may recover for "bad faith" under med pay provisions.
- The rights and responsibilities of outside consultants representing property insurance claimants.
- Defense and indemnity allocation issues between insurers.

Partners

- Joseph W. Bell
- Roger D. Branigin
- Kerry K. Brown
- Michael R. Cashman
- Thomas B. Caswell, III
- Catherine M. Colinviaux
- Thomas H. Cook, Jr.
- Craig C. Corbitt
- Mark J. Feinberg
- H. Jerome Gette
- Rolf E. Gilbertson
- Richard M. Hagstrom
- Lawrence T. Hofmann
- Daniel S. Mason
- John B. Massopust
- Wm. Gerald McElroy, Jr.
- Christopher T. Micheletti
- Daniel J. Millea
- James S. Reece
- Timothy W. Regan
- Patricia St. Peter
- John C. Steele
- Richard G. Urquhart
- Karl S. Vasiloff
- Richard L. Voelbel
- Lawrence Zelle



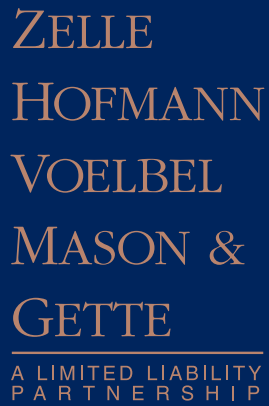
Banking & Financial Institution Litigation

Zelle Hofmann has served banking and financial institution clients since its inception. The firm has deep experience in virtually every type of dispute which banks and financial institutions face, including:

- credit card practices
- mortgage lending practices
- investment mismanagement claims
- employment-related claims
- non-compete disputes
- claims against trustees
- antitrust issues
- class action claims
- regulatory investigations
- director and officer liability claims
- disputes involving receiverships and conservatorships
- bondholder disputes
- contract disputes
- intellectual property disputes

Partners

- Michael R. Cashman
- Lawrence T. Hofmann
- Daniel S. Mason
- Christopher T. Micheletti
- John C. Steele



Class Actions

Zelle Hofmann attorneys represent both plaintiffs and defendants in a variety of class action matters. Zelle Hofmann attorneys have represented consumers, investors, businesses and others in class actions involving antitrust, securities fraud, financial services, consumer rights, unfair competition, unfair business practices, product liability, mass tort, ERISA and other claims.

Case summaries of class action matters.

Partners

- Joseph W. Bell
- Brad E. Brewer
- Scott R. Campbell
- Michael R. Cashman
- Catherine M. Colinvaux
- Craig C. Corbitt
- Thomas M. Darden
- Richard M. Hagstrom
- Lawrence T. Hofmann
- Michael E. Jacobs
- Daniel S. Mason
- John B. Massopust
- Wm. Gerald McElroy, Jr.
- Christopher T. Micheletti
- Daniel J. Millea
- Mitchell J. Rapp
- James S. Reece
- Timothy W. Regan
- Francis O. Scarpulla
- Troy J. Seibert
- John C. Steele
- Richard L. Voelbel
- Lawrence Zelle

Examples of Class Action Cases

Fiber Optic Right-of-Way Cases (Multiple State and U.S. Federal Courts). In these actions, plaintiff class members allege that the defendant telecommunications companies installed fiber optic cable on or next to railroad, pipeline, energy, or other utility companies' rights-of-way which run through the class members' property and that defendants' installation, maintenance, and operation of their telecommunications networks without the plaintiff class members' consent constitute a trespass that has unjustly enriched defendants. Zelle Hofmann attorneys and their co-counsel have obtained certification on plaintiff classes and settlements have been reached with certain defendants on certain claims.

Fiduciary duty claims (Cal. Super. Ct., San Francisco Cty.). Zelle Hofmann attorneys represented a corporation in this shareholder class action charging breach of fiduciary duty in connection with the consolidation of a number of limited partnerships. An important issue in the case was whether a breach of fiduciary duty claim can be asserted where full disclosure was made to shareholders and their approval was obtained before the corporation took the actions which are asserted to be breaches of duty. The case was settled.

Head Lice Treatment Litigation (Cal. Super. Ct., San Francisco). An action asserting breach of warranty and related claims in connection with four of the leading products sold as treatments for head lice infestations. The complaint alleges that since at least as early as 1995, various head lice treatment products have become ineffective for the treatment of head lice as a result of head lice developing resistance to the insecticides contained therein. The lawsuit claims that defendants nevertheless continue to manufacture and sell the products and to represent and warrant to consumers that the products are effective in killing lice and their eggs. The action seeks damages, restitution, injunctive relief, punitive damages and other remedies.

In re Trans Union Privacy Litigation (N.D.Cal., N.D. Ill.). An action on behalf of a nationwide class alleging violations of the federal Fair Credit Reporting Act and unfair competition under California state law. The lawsuit alleges that a credit bureau retrieves private credit information from its credit databases, generates lists of consumers who have specific credit-based traits, and unlawfully sells those lists to target marketing and advertising firms for a substantial profit. The action seeks injunctive relief, statutory, punitive and other damages, disgorgement of profits and other remedies. This case and others have been consolidated before a single judge in the Northern District of Illinois.

Industrial Revenue Bond Litigation (D.Ariz.). This was a securities fraud class action by purchasers of industrial revenue bonds that were intended to finance the development of a residential care facility and nursing home. Zelle Hofmann attorneys represented the plaintiff class. The case was settled on a favorable basis, against most of the defendants, along with a related case involving a separate, but similar bond issue.

Mortgage Fund Limited Partnership Litigation (D.Ariz.). This was a securities fraud class action by purchasers of limited partnership interests in blind pool mortgage funds. The complaint alleged an elaborate Ponzi scheme whereby monies obtained from investors were used to pay distributions to investors in prior limited partnerships. Zelle Hofmann attorneys represented the plaintiff class. This case settled while summary judgment motions were pending.

Real Estate Limited Partnership Litigation (N.D.Tex.). This was a securities fraud class action by purchasers of interests in 121 limited real estate partnerships. Zelle Hofmann attorneys, together with two other counsel, represented the class. The district court's opinions granting class certification and denying summary judgment are highly favorable to securities plaintiffs and deal with a host of important issues, such as class-wide proof of reliance and causation, typicality of claims, statutes of limitations, scienter and materiality. The case was settled favorably for the class.

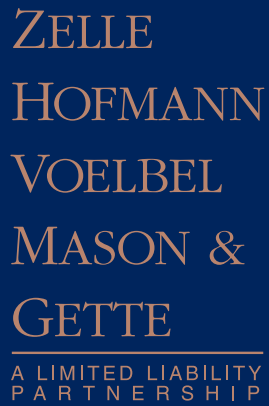
Shareholder Litigation (Del.Ch.). Zelle Hofmann attorneys represented the chief executive officer and another officer in this class action against them for breach of fiduciary duty in connection with a leveraged buyout. The case was settled in the midst of intensive discovery related to plaintiffs' motion for a preliminary injunction.

Tucker Act Right-of-Way Cases (Multiple U.S. Federal Courts). Zelle Hofmann attorneys and their co-counsel are prosecuting several class action lawsuits which challenge the authority of the U. S. Government to take and use property under the Tucker Act (28 U.S.C. 1491). The Surface Transportation Board (STB) has established a policy of "Railbanking" whereby the government asserts an interest in certain abandoned railroad rights-of-way for the purpose of preserving them as transportation corridors. Theorizing that the now abandoned corridors may be needed again for transportation purposes in the future, the government has taken possession of several thousand miles of abandoned railroad rights-of-way. In many cases, the STB has classified the abandoned right-of-way for an "alternative use" which almost always involves the designation of the abandoned right-of-way as a recreational trail.

At the time of their construction, railroads often took deeds for their rights-of-way which provided that, should the right-of-way ever become abandoned, the interest in the real estate which formed the right-of-way would revert back to the underlying or adjoining property owners. Zelle Hofmann attorneys and their co-counsel are representing classes

of property owners whose deeds include such reversionary interests, and are challenging the government's taking of these rights-of-way as improper.

Winery Limited Partnership Litigation (Cal. Super. Ct., Sonoma Cty.). Zelle Hofmann attorneys represented a plaintiff class in this securities fraud case brought on behalf of a nationwide class of investors in limited partnerships formed to purchase and operate wineries. The case was settled favorably to the class.



Complex Business Litigation

Zelle Hofmann attorneys represent litigants in virtually all areas of business litigation. The Firm has extensive trial experience in complex business litigation matters in state and federal courts, and before foreign and domestic arbitration panels. Our clients range from individuals and small businesses to Fortune 100 corporations. Our experience in large-scale complex litigation throughout the United States and abroad enables our clients to manage and resolve substantial national and international litigation efficiently.

In addition to the matters described elsewhere in the Firm's web site, the Firm's business litigation practice includes, among others, cases involving business torts, contractual disputes, dissolution proceedings, employment law, environmental law, entertainment law, fiduciary matters, insurance matters, international law, international arbitration, libel, officers and directors liability, professional services liability, slander, stock option disputes and other stock-related disputes, trade disparagement, unfair business practices and unfair competition.

Case summaries of business litigation matters

Partners

- Steven J. Badger
- Joseph W. Bell
- Roger D. Branigin
- Brad E. Brewer
- Kerry K. Brown
- Scott R. Campbell
- Michael R. Cashman
- Thomas B. Caswell, III
- Eric E. Caugh
- Catherine M. Colinvaux
- Thomas H. Cook, Jr.
- Craig C. Corbitt
- Thomas M. Darden
- Mark J. Feinberg
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- Wm. Gerald McElroy, Jr.
- Terrence C. McRea
- Christopher T. Micheletti
- Daniel J. Millea
- G. Brian Odom
- Christopher R. Paar
- M. Anthony Parsons II
- Mitchell J. Rapp
- James S. Reece
- Timothy W. Regan

ZELLE
HOFMANN
VOELBEL
MASON &
GETTE
A LIMITED LIABILITY
PARTNERSHIP

Complex Business Litigation

- Stephen M. Rogers
- Francis O. Scarpulla
- Troy J. Seibert
- Patricia St. Peter
- John C. Steele
- Richard G. Urquhart
- Karl S. Vasiloff
- Richard L. Voelbel
- Brett A. Wallingford
- Durwood J. Zaelke
- Lawrence Zelle

Examples of Complex Business Litigation Matters

ABA 2000, ABA Founders LLC, ABA Operations LLC v. Mizlou Television Network, Inc. (C.D. Cal.). Zelle Hofmann attorneys represent the professional basketball organization in a suit filed against an alleged independent television network for breach of contract and intentional interference with prospective business relationships. The case includes allegations that Mizlou Television Network interfered with the ABA plaintiffs' negotiations for the national television broadcast of their playoff games.

Weyerhaeuser Co. v. Thermogas Co., 620 N.W.2d 819 (Iowa 2000). Zelle Hofmann attorneys represented Weyerhaeuser Co. in this action for negligence, strict liability, breach of contract and breach of express and implied warranties based upon allegation that a liquid petroleum fuel tank exploded prematurely. Weyerhaeuser asserted that the tank was defective, and that were it not defective, the tank would have withstood a fire at its facility for the three minutes it took the fire fighters to arrive on scene. Over Weyerhaeuser's objection, the trial court permitted the jury to consider Weyerhaeuser's comparative fault, and the jury found Weyerhaeuser 70% at fault for the damages it suffered. On appeal, the Iowa Supreme Court reversed, agreeing with Weyerhaeuser that the district court erred in (1) directing a verdict for the tank distributor on Weyerhaeuser's claims of strict liability and breach of implied warranty of merchantability, (2) refusing to instruct the jury that the cause of the fire was legally irrelevant with respect to the negligence of Weyerhaeuser, and (3) refusing to give the jury a *res ipsa loquitur* instruction on Weyerhaeuser's negligence claim against the tank distributor.

Business tort, breach of contract, unfair competition action (N.D.Cal., Cal. Super. Ct., San Francisco Cty., Cal. Super Ct., Contra Costa Cty.). Zelle Hofmann attorneys represent a corporate client in a number of cases involving claims for breach of fiduciary duties, fraud, fraudulent concealment, breach of contract, malicious prosecution, interference with prospective economic advantage, unfair competition and conspiracy to breach fiduciary duties. They are also defending the same client against claims by the defendant and other parties, which include allegations of unfair competition, private nuisance, interference with prospective economic advantage and business relations, and wrongful termination of employment.

Breach of contract, licensing agreement (N.D.Cal.). Zelle Hofmann attorneys represent a Silicon Valley company in a contractual dispute arising out of certain licensing agreements.

Business tort and other claims arising out of sale of business (N.D.Cal. and American Arbitration Association, San Francisco, California). Zelle Hofmann attorneys represented a party in an arbitration proceeding and in a federal court proceeding involving disputes surrounding the sale of part of a business. The case includes allegations of fraud, negligent misrepresentation, breach of fiduciary duty and securities violations.

Chrysler Corporation v. Iacocca (Mich. Cir. Ct., Oakland Cty.); Iacocca v. Chrysler Corporation (Cal. Super. Ct., Los Angeles, Cty.). Zelle Hofmann attorneys represented Chrysler Corporation in disputes concerning Lee Iacocca's alliance with Kirk Kerkorian in alleged corporate control matters, as they related to litigation concerning Mr. Iacocca's Chrysler stock options. Shortly after Zelle Hofmann attorneys succeeded in obtaining the dismissal of Mr. Iacocca's California action against Chrysler, the matter was settled.

Business tort, breach of contract, unfair competition action (Cal. Super. Ct., San Francisco Cty.). Zelle Hofmann attorneys represented a plaintiff food company in a complex action for breach of contract, fraud, negligence and interference with business relations. The plaintiff alleged that various defendants failed to promote its food products as required by certain contractual, fiduciary and other obligations, and that they interfered with ongoing and prospective business relationships of the plaintiff. The matter settled prior to trial.

Breach of contract – arbitration action (American Arbitration Association, Dallas, Texas). Zelle Hofmann attorneys represented a party in a binding arbitration before a single arbitrator of the American Arbitration Association. This arbitration arose out of the sale of the stock of a company by our client and others to another company. The latter company sought to recover a portion of an escrow fund that was created pursuant to the stock purchase agreement.

Fiduciary duty claims (U.S. Bankr. E.D.N.Y.). Zelle Hofmann attorneys represented a former chief executive officer and directors of a company in this action against them for, among other claims, breach of fiduciary duty in connection with a leveraged buy-out.

Breach of contract, noncompetition clause action (M.D.Tenn.). Zelle Hofmann attorneys represented a manufacturer of sewing machines in a suit involving contractual disputes arising out of its purchase of defendant's business. A preliminary injunction was obtained concerning the parties' non-competition clauses. The case settled.

Trade secret theft, trade disparagement action (Ill. Cir. Ct., Cook Cty, N.D.Ill., 7th Cir., C.D.Cal.). Zelle Hofmann attorneys represented one of the top financial printers in various litigation involving competitors in the same business category. The disputes concerned allegations of stealing trade secrets and employees, as well as trade disparagement and other violations. Settlements were reached in all cases.

ERISA litigation (C.D.Cal. and 9th Cir.). This case involving issues of ERISA law, concerned the leveraged buyout of a corporation by a company ESOP and whether the persons who approved that transaction (which involved a consolidation of existing profit sharing plans) violated their fiduciary duties under ERISA.

Construction Litigation

Zelle Hofmann has been involved in more than 1,000 construction-related disputes including an exhaustive array of origins and legal issues, such as roof failure, fire, manufacturing plant explosions, building collapse, turbine and compressor failures, claims of construction defect, cost overruns, breach of contract, engineer negligence, bid-rigging, government contracts, etc. Zelle Hofmann has handled construction disputes in federal and state jurisdictions throughout the U.S. and abroad.

Representative Matters

9/11 World Trade Center. Myriad of construction issues in determination of multi-billion dollar replacement costs.

9/11 Deutsche Bank. Total loss versus repair; time line for repairs; environmental remediation issues (involving asbestos and other contaminants, and concerning acceptable cleanup levels, *risk* analysis, etc.); issues pertaining to the integrity of existing building foundations.

American National Power. Construction defect case involving highly flammable cooling pads for use in a filter house that protected a gas turbine.

Adco Group et al. v. Travelers et al. (complex action involving the coordination of multiple lawsuits with over 25 parties, claims of \$250 million in construction defects and damage at a luxury resort in Southern California, and involving issues regarding the extent of construction defects, their cause, damage allegedly resulting from the defects and its manifestation, as well as the calculation of the reasonable cost of repairing the property)

USF&G and AHAC v. Braspetro Oil Services Company and Petroleo Brasileiro S.A. - Petrobras, et al, (S.D.N.Y. 2002). Multi-national, multi-hundred million dollar performance bond, construction, and indemnity dispute involving construction of offshore deep-water oil platforms.

Columbus Municipal Airport Authority. Multi-party latent construction defects dispute.

Nicholson v. Turner/Cargile, 107 Ohio App. 3d 797, 669 N.E.2d 529 (Ohio App. 1995). Alleged negligence of consulting engineer resulting in deaths of construction workers.

C.J. Mahan Construction Co. v. JMG Maintenance, Inc. and Kokosing Construction Co., Case No. 93CVC04-2925 (Franklin Cty. Ohio C.P. 1994).

Partners

- Steven J. Badger
- Roger D. Branigin
- Brad E. Brewer
- Kerry K. Brown
- Michael R. Cashman
- Thomas B. Caswell, III
- Thomas H. Cook, Jr.
- Mark J. Feinberg
- H. Jerome Gette
- Lawrence T. Hofmann
- John B. Massopust
- Wm. Gerald McElroy, Jr.
- Christopher T. Micheletti
- G. Brian Odom
- M. Anthony Parsons II
- John C. Steele
- Richard G. Urquhart
- Karl S. Vasiloff
- Richard L. Voelbel
- Brett A. Wallingford

Construction Litigation

Breach of contract and fraud dispute arising from construction of vegetable oil processing plant.

Bridgestone Firestone. Dispute over cost to construct latex, hard rubber, and shipping container facilities in Liberia.

City of Hamilton, Ohio. Disputes relating to the construction and renovation of city hydroelectric facility and wastewater treatment plant.

Ethanol Plant Explosion. Dispute between plant owner and design-build contractor concerning propriety of new ethanol manufacturing technology and its connection to a major explosion leading to substantial property damage and loss of life. Required detailed cause and origin engineering analysis and testing.

Ethanol Plant Explosion (another). Explosion of boiler in new ethanol distillation line under construction. Required engineering analysis, detailed understanding of the contractual rights and obligations of the parties, as well as the scope of available remedies for losses occurring during construction.

Dallas Mansion Fire. Dispute over alleged construction defects leading to destruction of \$45 million mansion.

Roof Failure at Target Store. Dispute over failure of membrane roof during thunderstorm allegedly due to construction defects.

Cement Unloader Collapse at Dock Terminal. Dispute over cause of structural collapse of a trolley mounted cement unloader.

Warehouse Roof Collapse. Dispute over roof collapse failure in high winds allegedly due to construction *defects*.

Occidental Chemicals Turbine Failure. Dispute over failure of large steam turbine in chemical plant allegedly due to exposure to high concentrations of caustic introduced by steam supplier.

Equistar Compressor Failures. Dispute over repeated failures of open faced compressor impellers allegedly due to acoustic resonance and defective welding.

Atofina Plant Fire. Dispute over failure of fire suppression system at chemical plant allegedly due to installation of defective components, improper testing procedures, and improper testing and inspection.

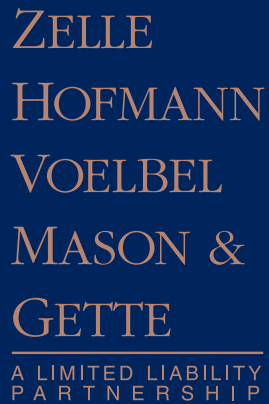
Construction Litigation

Flooding of Guardian Manufacturing Facility. Dispute over flooding of plant building allegedly due to improper repair techniques used by general contractor and roofing contractor.

Investigations of power plant outages in Texas and Oklahoma. Oversaw cause and origin studies for equipment failures and fires in generation facilities in Texas and Oklahoma.

Bear Dredging. Dispute over bid changes on Mobile Bay dredging project.

TRW. Protest over award of government construction project to Bechtel for nuclear waste repository.



Director & Officer Litigation

Zelle Hofmann handles the full spectrum of D&O and E&O disputes. Zelle Hofmann attorneys have handled claims ranging from attorney, accounting, medical, and other professionals' malpractice issues to securities broker and dealer misconduct allegations. The firm also has defended accountants, attorneys, broker dealers, financial planners, insurance agents, investment advisors, and other professionals. Zelle Hofmann has also handled a number of class actions in these areas.

Partners

- Kerry K. Brown
- Catherine M. Colinvau
- H. Jerome Gette
- Rolf E. Gilbertson
- Lawrence T. Hofmann
- Daniel S. Mason
- Patricia St. Peter
- John C. Steele
- Karl S. Vasiloff
- Richard L. Voelbel

Environmental Law

Partners

- Brad E. Brewer
- Kerry K. Brown
- Michael R. Cashman
- Thomas B. Caswell, III
- Eric E. Caugh
- Catherine M. Colinvaux
- Thomas M. Darden
- Rolf E. Gilbertson
- Richard M. Hagstrom
- Wm. Gerald McElroy, Jr.
- Terrence C. McRea
- Christopher R. Paar
- Timothy W. Regan
- Patricia St. Peter
- John C. Steele
- Richard L. Voelbel
- Durwood J. Zaelke
- Lawrence Zelle

Zelle Hofmann attorneys have extensive experience in numerous areas of environmental law and environmental litigation, both domestically and internationally. We are staffed with some of the best environmental attorneys and litigators in the country, who focus on promoting clients' businesses, minimizing costs, ensuring compliance, minimizing exposure and managing risk, and, where necessary, winning the case. This knowledge and experience includes environmental enforcement and compliance under U.S., international, and other legal systems' law. Zelle Hofmann attorneys have served on leadership committees and other executive committees in international environmental organizations and in public interest environmental law firms. Specific areas of environmental expertise include litigation matters and matters involving air quality, water quality, solid and hazardous wastes, toxic chemicals, acid rain and acid mine drainage claims, groundwater contamination, underground storage tanks, corrective action and remedial action plans, contribution, agency enforcement actions, global warming, and energy conservation, among numerous other areas. Zelle Hofmann attorneys also have extensive experience in the area of environmental insurance coverage disputes.

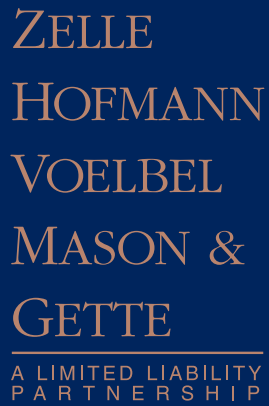
Zelle Hofmann's managing partner in Washington D.C., Durwood Zaelke, is the Director of the International Environmental Law Program at the American University law school, and also has taught at Yale Law School, Duke Law School, and Johns Hopkins. He co-founded the Program on Governance for Sustainable Development at the University of California, Santa Barbara's Bren School of Environmental Science & Management, where he serves as a Bren Scholar and Co-Director. In 1989, Mr. Zaelke founded the Center for International Environmental Law ("CIEL"), a premier public interest international environmental firm, in Washington, D.C. and Geneva. He served as President of CIEL until 2003.

Mr. Zaelke is the author of the leading law school textbook entitled *International Environmental Law & Policy* (Foundation Press 2nd ed. 2002) (1,500 pages) (with Hunter & Salzman), which has been used in more than 115 universities around the world. In addition to a *TREATY SUPPLEMENT* (Foundation Press 2002) (380 pages), and *TEACHERS MANUAL* (350 pages), other books by Mr. Zaelke include: Van Dyke, Zaelke & Hewison, eds., *FREEDOM FOR THE SEAS: A NEW LOOK AT OCEAN GOVERNANCE* (Island Press 1993), co-winner of the Smithsonian's 1994 Sprout Award for best book on international environmental affairs; and Zaelke, Housman & Orbach, eds., *TRADE AND THE ENVIRONMENT: LAW, ECONOMICS, AND POLICY* (Island Press 1995), winner of a special award at the 1997 Buenos Aires International Book Fair for its Spanish version, entitled *COMERCIO INTERNACIONAL Y MEDIO AMBIENTE: DERECHO, ECONOMIA Y POLITICA* (Espacio Editorial, Buenos Aires, June 1995) (translation by Eugenia Bec). Other

Environmental Law

publications include Zaelke & Cameron, *Global Warming and Climate Change An Overview of the International Legal Process*, 5 *AM. U. J. INT'L L. & POL'Y* 249 (Winter 1990), selected as one of the best law review articles of the year and reprinted in 22 *LAND USE & ENV'T'L L. REV.* (1991); reprinted in Italian in *FUTURO SOSTENIBILE: EFFETTOSERRA* 36 (1990).

In 2003, Mr. Zaelke published *INDUSTRY GENIUS: INVENTIONS AND PEOPLE PROTECTING THE CLIMATE AND FRAGILE OZONE LAYER* (Greenleaf UK, 2003) (with Dr. Steven O. Andersen). *INDUSTRY GENIUS* presents the inventive genius behind technological breakthroughs by ten global companies, including Honda, Seko-Epson, ST Microelectronics, Trane, and Alcoa Aluminum, and suggests how forward looking companies can pursue sustainable business strategies, avoid potentially costly liabilities, and improve their relations with customers, shareholders, and suppliers.



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- G. Brian Odom
- Christopher R. Paar
- M. Anthony Parsons II
- James S. Reece
- Timothy W. Regan
- Stephen M. Rogers
- Troy J. Seibert
- Patricia St. Peter
- Karl S. Vasiloff
- Richard L. Voelbel
- Brett A. Wallingford

Insurance Coverage

Attorneys at Zelle, Hofmann, Voelbel, Mason & Gette LLP have handled insurance cases throughout the United States and abroad. Zelle Hofmann attorneys have continuously been at the forefront of cutting edge insurance coverage litigation and have been involved in the insurance aspects of numerous catastrophes. The following is a representative listing.

- 9/11 World Trade Center Terrorist Attack
- Hurricanes Katrina, Rita, Andrew, and Iniki
- Angus Chemical Plant Explosion - Sterlington, Louisiana
- Commodore Hotel Fire and Explosion - St. Paul, Minnesota
- El Paso Natural Gas Dam Collapse - Phoenix, Arizona
- General Electric Fire - Mexico
- Hilton Hotel Fire - Las Vegas, Nevada
- Liberian Civil War - Liberia, West Africa
- Loma Prieta Earthquake - San Francisco, California
- Lone Star Steel Toxic Cloud - Morris County, Texas
- MGM Grand Hotel Fire - Las Vegas, Nevada
- Mobil Synfuels Manufacturing Plant - Australia
- Montana Rail-Link Derailment and Explosion - Helena, Montana
- Northridge Earthquake - Los Angeles, California
- Olympic Pipeline Spill/Explosion - Bellingham, Washington
- Phelps Dodge Airplane Crash - Chino, New Mexico
- Productos de Maiz Warehouse Fire - Mexico
- Reno Dust Claims Class Action - Reno, Nevada
- Subaru of New England Automobile Toxic Damage - Boston, Massachusetts
- TU Electric Stack Collapse - Monticello, Texas
- University of Colorado Power Plant Explosion - Boulder, Colorado
- Warner Lambert Manufacturing Plant Explosion - Long Island City, New Jersey

Environmental Coverage

- Lawrence Zelle

Insurance Coverage

Zelle Hofmann attorneys have been at the forefront of environmental coverage disputes from the inception of CERCLA in 1980. The firm has handled hundreds of environmental coverage lawsuits in nearly every state including claims under environmental impairment liability policies as well as those under primary and excess policies. Zelle Hofmann has tried numerous cases to judgment and has served for years as national and regional environmental coverage counsel for several major companies.

Zelle Hofmann has considerable experience with environmental coverage disputes involving municipalities and has litigated many such claims under municipal liability insurance policies. Also, trade association "master policy programs," such as those utilized by the retail dry-cleaning industry, have been frequent subjects of disputes and litigation handled by the firm. In addition, Zelle Hofmann attorneys have handled numerous toxic tort bodily injury coverage cases arising out of manufacturing plant air emissions, pesticides, chemicals, groundwater contamination, tobacco products, and lead.

Property Coverage

Zelle Hofmann represents some of the largest commercial property insurers in the world. Its experience encompasses the full range of property coverage, appraisal, and adjustment disputes, including all types of complex business interruption and extra expense claims. These disputes include losses from fires, explosions, structural failures, equipment failures, contamination, boiler and machinery accidents, electrical events, and failure of fire protection systems. The risks involved have included airports, foundries, steel mills, manufacturing plants, mining facilities, lumber mills and yards, electrical and nuclear power plants, automobile distributors, marine terminals and docks, office buildings, warehouses, retail stores, apartment buildings, hotels, livestock and agricultural buildings, gambling casinos, pipelines, construction projects, and innumerable other structures. Zelle Hofmann attorneys have counseled property insurers in the drafting of policy language, including environmental exposures and Y2K issues.

Mold Claims

Zelle Hofmann has assisted some of the nation's largest carriers with developing coverage positions, claim handling guidelines, and expert resource databases for mold claims. Zelle Hofmann has provided counseling, coverage advice and representation in litigation for mold claims arising under commercial property, commercial liability, and homeowner insurance policies.

The following is representative of Zelle Hofmann's experience with mold claims:

Insurance Coverage

- Commercial Building Losses - Property damage, business interruption, and lost income claims arising from mold found at professional buildings (dentists, surgeons, attorneys, etc), light industrial facilities, and high density office space.
- Apartment/Condominium Losses - Property damage and lost rent claims arising from mold in new construction and renovated buildings.
- School District Losses - Property damage claims submitted by school districts involving poor maintenance, poor repair, and improper HVAC procedures.
- Homeowner Losses - Homeowner claims for property damage and bodily injury allegedly arising from the existence of mold.
- Contractor Defense - Defense of contractors and subcontractors from bodily injury and property damage claims allegedly arising from mold caused by poor construction and/or repairs.

Products Liability and Asbestos

Zelle Hofmann attorneys have handled a broad spectrum of product liability coverage actions, such as defective PVC plumbing pipe, cement railroad ties, and oil pipeline claims. The firm has managed bodily injury and asbestos-in-building coverage disputes under primary and excess property and liability policies as well as reinsurance contracts. Zelle Hofmann attorneys have tried and arbitrated numerous cases, conducted ADR under the Wellington Agreement, and have negotiated various settlements from interim agreements to buyouts. Issues have included trigger, scope, allocation, the number and application of deductibles, appropriate exhaustion, "other insurance" issues, specific product exclusions, late notice, failure to cooperate, misrepresentation, expected or intended, defense obligations, obligations of a captive, effect of self-insured retentions, quota share arrangements, and many others.

Bad Faith and Extra-Contractual

One of Zelle Hofmann's core insurance practices is defending property and casualty and life and health insurers against claims alleging "bad faith," the violation of unfair claims and business practices statutes, other extra-contractual claims and punitive damages. The firm also represents clients in responding to complaints brought by insureds to state insurance regulators. Zelle Hofmann attorneys have sat on the national "bad faith" panels of several insurers for years. The firm tracks and analyzes "bad faith" and punitive damages judgments in all of the 50 states and U.S. territories and devotes a substantial amount of time counseling and training our clients' claims professionals in extra-contractual claim avoidance techniques. Zelle Hofmann has also amassed a network

Insurance Coverage

of experts and consultants in this area to assist in defending its clients against these high exposure claims.

Special Investigative Units

Zelle Hofmann works closely with its clients' Special Investigative Units in identifying and defending against fraudulent claims. The firm's experience in this area assists its clients in complying with various fair claims handling statutes while at the same time, protecting their shareholders' interests in not paying fraudulent claims.

Construction

Zelle Hofmann attorneys are experienced in both construction defect and construction site injury coverage disputes. They are well versed in all of the many issues related to construction defect and injury coverage litigation arising out of CGL and E&O policies. They have been involved with the evolution of policy language regarding the additional insured endorsements as well as the business risk exclusions. Zelle Hofmann has handled numerous allocation disputes among insurers in progressive damage actions. Zelle Hofmann attorneys are also experienced in surety matters, having advised our clients regarding their rights and obligations on construction projects. Zelle Hofmann has defended cases against its clients' insureds in construction defect matters involving all aspects of construction including condominium developments, commercial office buildings and industrial space, and residential housing.

Employment Practices

Zelle Hofmann has handled numerous employment practices coverage disputes arising out of allegations of wrongful termination, harassment, and discrimination. Zelle Hofmann attorneys have extensive experience with these issues under standard liability policies and with employment practices liability coverages.

Directors & Officers and Errors & Omissions

Zelle Hofmann handles the full spectrum of D&O and E&O coverage disputes and frequently acts as monitoring counsel. Zelle Hofmann attorneys have handled claims ranging from attorney, accounting, medical, and other professionals' malpractice issues to securities broker and dealer misconduct allegations and class actions alleging marketing misconduct by life insurers in the sale of life policies and variable annuities. The firm also defends its clients' insured accountants, attorneys, broker dealers, financial planners, insurance agents, investment advisors, and other professionals. Zelle Hofmann has also handled a number of class actions in these areas.

Insurance Coverage

Liability Defense

Zelle Hofmann's liability defense practice is as varied as our clients' product lines. The firm has the experience and capacity to handle the more sophisticated and complex liability matters facing our clients' insureds. Zelle Hofmann attorneys have experience in the following liability areas:

- Cemetery and mortuary liability
- Class actions
- Construction defect and construction site injury
- Equipment and machinery
- Elder care
- Inland marine
- Intellectual property
- Legal malpractice
- Medical devices
- Medical malpractice
- Motor vehicle
- Pharmaceuticals
- Premises liability
- Products liability
- Securities
- Technology
- Workplace exposure
- Wrongful termination

Intellectual Property

Zelle Hofmann has been involved in many intellectual property coverage disputes. Zelle Hofmann attorneys have litigated these issues in a majority of states and federal forums. Representing its insurance company clients, the firm has tried several advertising injury coverage actions arising out of trademark and patent infringement as well as other intellectual property disputes in the computer software and other high tech industries.

Insurance Coverage

The firm has amassed a working database of decisions, comments, and experts in the field.

Technology and E-Commerce

Zelle Hofmann's technology and E-commerce practice area is a function of its clients offering new products to the emerging technology industry. This line of business is creating challenging coverage and liability issues. Zelle Hofmann is committed to remaining at the forefront in counseling its clients and defending their insureds in this rapidly changing world of technology. The firm is monitoring the development of law related to this industry and is accumulating a database of issues and decisions, consultants, and experts similar to what it has amassed in the construction defect, property, environmental, intellectual property, and "bad faith" areas.

Appellate Advocacy

Zelle Hofmann attorneys have successfully litigated scores of appeals resulting in many important appellate decisions on fundamental issues of insurance law. These include the following:

- Applicability of suit limitation provisions in property policies.
- Whether the costs incurred for asbestos abatement/removal are insurable under a property policy.
- Whether an EPA letter constitutes a suit.
- Whether the sudden and accidental pollution exclusion bars claims for gradual pollution.
- Whether the owned property exclusion bars coverage for pollution.
- Whether governmental agency response costs are damages.
- Whether environmental claims are covered under personal injury coverage.
- Whether patent, copyright, and trademark claims are covered under advertising injury coverage.
- Whether late notice bars coverage.
- Whether voluntary payments are covered.
- Whether pre-tender defense costs are covered.
- Whether a transaction constitutes a merger or an acquisition in the D&O context.

Insurance Coverage

- Whether third parties may recover for "bad faith" under med pay provisions.
- The rights and responsibilities of outside consultants representing property insurance claimants.
- Defense and indemnity allocation issues between insurers.

Insurance Subrogation

Partners

- Steven J. Badger
- Thomas B. Caswell, III
- Thomas H. Cook, Jr.
- Mark J. Feinberg
- H. Jerome Gette
- Wm. Gerald McElroy, Jr.
- Terrence C. McRea
- Daniel J. Millea
- G. Brian Odom
- M. Anthony Parsons II
- Troy J. Seibert
- Brett A. Wallingford
- Lawrence Zelle

Zelle Hofmann attorneys have successfully handled some of the largest and most complex commercial property insurance subrogation matters in the history of the industry. Our founding partners were among the pioneers of insurance subrogation in the 1970's. In the last six years, we have recovered in excess of a quarter of a billion dollars on behalf of our insurance company clients and their insureds. Through our national presence and strong local counsel network, we have successfully pursued subrogation claims throughout the United States. Zelle Hofmann currently serves as subrogation counsel for major property insurers including Factory Mutual Insurance Company, HSB Industrial Risk Insurers, Liberty Mutual, Reliance National and others.

Some notable subrogation recoveries achieved by Zelle Hofmann:

- Chemical Plant Explosion
(\$164,500,000--100%+ recovery)
- Electric Company Stack Collapse
(\$37,000,000)
- Fire Damage in Juarez, Mexico
(\$10,475,000)
- Automobile Property Damage
(\$6,725,000)
- Warehouse Fire in Mexico City
(\$5,000,000)
- Dam Collapse
(\$2,760,000)
- Manufacturing Facility Fire
(\$2,000,000)
- Building Collapse
(\$1,993,000)
- Electrical Fire
(\$1,675,000)

These results are provided for informational purposes only and are not intended to be a predictor of future success or results in any other matter.

Representative Matters

9/11 Insurance Subrogation - multi-billion dollar claim against the airlines and airport

ZELLE
HOFMANN
VOELBEL
MASON &
GETTE
A LIMITED LIABILITY
PARTNERSHIP

Insurance Subrogation

security companies

Intellectual Property Litigation

Partners

- Joseph W. Bell
- Scott R. Campbell
- Eric E. Caugh
- Thomas H. Cook, Jr.
- Craig C. Corbitt
- Thomas M. Darden
- H. Jerome Gette
- Richard M. Hagstrom
- Michael E. Jacobs
- Daniel S. Mason
- John B. Massopust
- Christopher T. Micheletti
- G. Brian Odom
- John C. Steele
- Richard G. Urquhart
- Brett A. Wallingford

Zelle Hofmann attorneys have represented clients in numerous trademark, trade dress, trade secret, copyright and false advertising cases over the years, both throughout the U.S. and abroad. In addition to the representation of clients in many trademark and trade dress infringement and dilution actions, Zelle Hofmann attorneys have analyzed and advised clients on potential litigation under the Trademark Cyberpiracy Prevention Act, on such developing areas as trademark rights in product configurations, and on proving dilution under the Federal Trademark Dilution Act. Because of this experience, Zelle Hofmann attorneys are well-suited to efficiently pursue the discovery needed for each case, to marshal needed evidence, including favorable survey evidence, and to position the case for adjudication of a preliminary injunction motion, a summary judgment motion or trial.

View case summaries of trademark, trade dress, trade secret and false advertising matters.

Patent Infringement

Zelle Hofmann's patent infringement litigation practice forms an integral part of the firm's commitment to meeting the expanding needs of its clients. Zelle Hofmann is aggressive in helping patent holders enforce their rights against infringers of all magnitudes. Our lawyers are also committed to defending our clients that are wrongfully accused of infringement or that become embroiled in declaratory judgment proceedings. Our lawyers accommodate the needs of both our individual and corporate clients by structuring a litigation plan and strategy conducive to the scope of the infringement and resources available.

Zelle Hofmann attorneys have served as lead trial counsel on patent matters of all sizes. Our attorneys also co-venture with patent licensing counsel and/or patent prosecution counsel to identify and implement a long-term patent licensing strategy.

Our attorneys realize litigation is not always the answer and strive to promote alternative solutions to complex patent infringement questions. In that vein, we provide advice regarding the best solutions to patent infringement issues, oftentimes reaching an amicable solution before beginning the litigation process. An action plan to handle patent infringement activities before the infringement occurs allows our attorneys to move quickly and decisively at the first sign of infringement.

Zelle Hofmann attorneys have represented parties in a number of patent infringement cases. Zelle Hofmann's patent litigation experience ranges from high tech - internet and electronics technology - to patents covering exercise steps, structural hardware and road

Intellectual Property Litigation

bumps. Our patent infringement attorneys include engineers who have hands-on experience in a variety of technical fields including onshore and offshore oil and gas production and processing, petrochemical manufacturing, software development and engineering, and computer networking systems.

Trademark, Trade Dress, and Trade Secret Litigation

Zelle Hofmann attorneys have represented clients in numerous trademark, trade dress, trade secret, copyright and false advertising cases over the years, both throughout the U.S. and abroad. In addition to the representation of clients in many trademark and trade dress infringement and dilution actions, Zelle Hofmann attorneys have analyzed and advised clients on potential litigation under the Trademark Cyberpiracy Prevention Act, on such developing areas as trademark rights in product configurations, and on proving dilution under the Federal Trademark Dilution Act. Because of this experience, Zelle Hofmann attorneys are well-suited to efficiently pursue the discovery needed for each case, to marshal needed evidence, including favorable survey evidence, and to position the case for adjudication of a preliminary injunction motion, a summary judgment motion or trial.

Licensing Cases

Zelle Hofmann attorneys also litigate matters involving various aspects of licensing and related agreements. As an example, Zelle Hofmann attorneys represented a Silicon Valley company alleging breach of a licensing agreement and seeking an accounting. This case involved the plaintiff's customized software product used in connection with climate control sensors and devices.

Representative Matters

Kellogg Co. v. Exxon Mobil Corp (trademark infringement and dilution)

Kendall-Jackson Winery (trademark and trade dress proceedings)

NBA Properties v. ABA, Inc. (trademark infringement)

Examples of Trademark Infringement, Trademark Dilution, Trade Dress And Trade Secret Cases

Kellogg Company v. Exxon Corp. (W.D.Tenn. and 6th Cir.). Zelle Hofmann attorneys represented Kellogg in this trademark infringement and dilution action against Exxon Mobil Corporation. The case involved Kellogg's famous anthropomorphic cartoon tiger, TONY THE TIGER, and the cartoon tiger used by Exxon in the 1960s to promote its motor fuels. In the lawsuit, Kellogg alleged that Exxon abandoned its Cartoon Tiger in the 1980s, reintroduced it in the 1990s in a modified form, and began to use it to directly promote food products, beverage products and convenience store services at its service stations. Kellogg claimed that this recent expansion of use of the Exxon cartoon tiger into the food, beverage and convenience store services areas infringed and diluted Kellogg's TONY THE TIGER mark. In August of 1998, the federal district court in Memphis granted summary judgment in Exxon's favor.

On April 6, 2000, however, the Sixth Circuit Court of Appeals, reversed and remanded the case for trial on Kellogg's trademark infringement claims. *Kellogg Co. v. Exxon Corp.*, 209 F.3d 562 (6th Cir. 2000). In June 2001, the district court additionally upheld Kellogg's claim for dilution by blurring under the Federal Trademark Dilution Act ("FTDA"), concluding that Kellogg had shown proof of "actual dilution" by blurring sufficient to defeat Exxon's motion for summary judgment. *Kellogg Co. v. Exxon Mobil Corp.*, 192 F.Supp.2d 790 (W.D.Tenn. 2001). Key issues raised by the litigation and appeal included laches, acquiescence, abandonment, progressive encroachment and myriad issues under the FTDA.

NBA Properties, Inc. v. ABA, Inc. et al. (E.D.N.Y.). Zelle Hofmann attorneys represented the original founders of the American Basketball Association in a trademark infringement action brought by NBA Properties, Inc. ("NBAP"). This case involved ABA, Inc.'s efforts to launch a new basketball league called "ABA2000," and allegations by NBAP that use of the "ABA" mark infringed NBAP's alleged rights in that mark. Zelle Hofmann attorneys had represented the ABA in the 1970s in antitrust proceedings against NBA. Trademark issues presented by this litigation included, among others, the validity of NBAP's trademark registrations, whether NBAP's alleged use of the ABA marks has been "sham" or mere "token" use designed to reserve rights in the mark, and the scope of protection provided by certain trademark registrations.

Gardetto's Bakery, Inc. v. Kellogg Company (D. Minn.). Zelle Hofmann attorneys represented Kellogg in this action alleging trademark infringement and trademark dilution under the Lanham Act and state unfair competition laws. In this case, the plaintiff claimed that Kellogg's use of the term "SNACK'UMS™" for a cereal-based snack food product infringed and diluted the plaintiff's federally registered "SNAK-ENS®" mark, which the plaintiff used on its snack mix products. The plaintiff

filed its complaint in late-October 1999, filed a motion for a preliminary injunction in November 1999, and sought to enjoin Kellogg's nationwide product launch scheduled for January 2000. Zelle Hofmann attorneys expeditiously assembled and submitted to the court extensive evidence, including survey evidence, supporting Kellogg's opposition to the motion for a preliminary injunction. Oral argument on the motion was held in mid-December 1999, and the court denied the plaintiff's motion from the bench.

Trademark and trade dress infringement, unfair competition action (N.D.Cal. and 9th Cir.). Zelle Hofmann attorneys represented the plaintiff Kendall-Jackson Winery, Ltd. in this case, which involved, among others, claims for trademark and trade dress infringement under the Lanham Act, and state common law claims. This case, which was tried to a jury and involved an appeal to the Ninth Circuit Court of Appeals, pertained to the labeling and packaging of bottled wine products.

Trade secret misappropriation action (Mich. Cir. Ct., Calhoun Cty. and W.D.Mich.). Zelle Hofmann attorneys represented the plaintiff in this case, which brought claims for breach of contract and misappropriation of trade secret information. This action was initially filed in Michigan state court and pertained to the product formulations and manufacturing processes for food products. During discovery, Zelle Hofmann attorneys uncovered evidence of other unlawful conduct on the part of the defendant which enabled the plaintiff to amend its complaint to assert additional claims for unfair competition under the Michigan Consumer Protection Act and the Lanham Act. Shortly after the plaintiff amended its complaint, the matter was removed to federal court and settled favorably.

Trade secret misappropriation action (M.D.Pa.). Zelle Hofmann attorneys represented the plaintiff in this action which brought claims for breach of contract, misappropriation of trade secret information and conversion. The action pertained to the design and engineering of a mechanical device used in the manufacture of food products, as well as the processes associated with the use of that device. Zelle Hofmann attorneys obtained a stipulated final judgment and consent decree, which enjoined the defendant from further use or disclosure of the plaintiff's trade secret information.

International trademark infringement action (Intermediate People's Court of Meizhou City; on appeal, High People's Court of Guangdong Province, People's Republic of China). This action involved infringement of the trademarks and trade dress of KELLOGG'S® CORN FLAKES ready-to-eat cereal in the People's Republic of China ("P.R.C."). Kellogg brought this action against the Meizhou Kongalu Nutritious Food Company in the Intermediate People's Court of Meizhou City, located in the Guangdong Province of the P.R.C. Kellogg alleged claims for violation of P.R.C. Trademark Law, P.R.C. Unfair Competition Law and various international treaties and agreements, including the Paris Convention. Kellogg initially was successful in obtaining a temporary order enjoining Kongalu's sale of the product. The Meizhou Intermediate Court,

however, later ruled against Kellogg. Kellogg appealed to the High People's Court of Guangdong Province.

Zelle Hofmann attorneys, who had no involvement in the lower court proceeding, were extensively involved in the appeal of this matter. Zelle Hofmann attorneys first assisted Kellogg in the search for and retention of new Chinese local counsel; they then worked closely with that counsel in the appellate proceeding. Zelle Hofmann prepared extensive briefs, affidavits and other materials on a number of legal and evidentiary issues. Zelle Hofmann supervised the translation of these materials into Chinese, as well as their review and finalization by local counsel. Kellogg obtained a reversal of the lower court's order and a judgment in its favor.

Trade dress infringement and unfair competition claims preliminary injunction hearing (D. Utah). In this case, Zelle Hofmann attorneys represented the defendant against trade dress infringement and other claims. The plaintiff alleged infringement of a trade dress or product configuration for various plastic food molds under the Lanham Act and related state common law claims. The plaintiff unsuccessfully sought a preliminary injunction against the defendant which would have required a nationwide recall and/or re-labeling of millions of packages of defendant's product. Thereafter, Zelle Hofmann attorneys obtained summary judgment on all of the plaintiff's state common law claims and the case settled.

Trademark infringement action preliminary injunction hearing (S.D. Ohio). Zelle Hofmann attorneys represented the defendant in this case, and successfully defeated a motion for preliminary injunction after a two-day hearing. This case involved a broad range of trademark and other issues, including the related goods doctrine, dilution, confusion of sponsorship and the necessary showing for irreparable injury. This matter settled before trial. Published opinion: *Worthington Foods, Inc. v. Kellogg Company*, 732 F.Supp. 1417 (S.D.Ohio 1990).

Trade secret misappropriation and trade disparagement action (Circuit Court, Cook County, Ill., N.D. Ill., C.D.Cal.). Zelle Hofmann attorneys represented one of the top financial printers in a number of matters involving its competitors. The disputes concerned allegations of stealing trade secrets and employees, as well as trade disparagement and other violations.

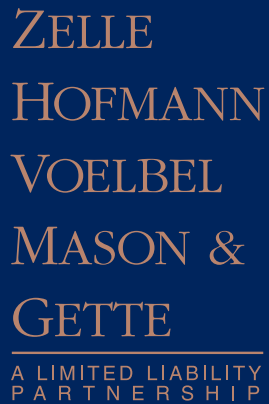
Trade secret misappropriation action (N.D. Cal.). Zelle Hofmann attorneys have represented companies in the semiconductor industry, and in the advertising industry, in cases involving the alleged theft of trade secrets by competitors.

Examples of False Advertising Matters and Regulatory Matters

Unfair advertising action (W.D.Mich.). In this case, Zelle Hofmann attorneys represented a defendant in a Lanham Act case involving claims for misleading advertising on product comparisons. Extensive briefing was required in preparation for a court-mandated alternative dispute resolution session. The action settled before trial.

State regulation of advertising (S.D. Iowa). Zelle Hofmann attorneys represented a national advertiser in this action against various state attorneys general in federal court. The action alleged that the A.G.s' threatened or actual enforcement actions against the plaintiff were preempted by federal law, unduly burdened interstate commerce, improperly restricted free speech, constituted discriminatory enforcement and/or violated the interstate compact clause. This case was favorably settled.

State regulation of food labeling claims (N.D.Tex. and 5th Cir.). Zelle Hofmann attorneys represented a company seeking to enjoin preliminary enforcement of the Texas Food, Drug and Cosmetic Act as it applied to commercial speech contained on labels of, and in advertising for, certain food products. While the trial court denied a preliminary injunction, the company's position was later vindicated by the United States Supreme Court in opinions such as *Rubin v. Coors Brewing Co.*, 115 S.Ct. 1585 (1995) and *44 Liquormart, Inc. v. Rhode Island*, 116 S.Ct. 1495 (1996).



Labor and Employment Litigation

Partners

- Joseph W. Bell
- Eric E. Caugh
- Thomas M. Darden
- Rolf E. Gilbertson
- Daniel S. Mason
- Timothy W. Regan
- John C. Steele

Zelle Hofmann attorneys represent employers and employees in a variety of disputes arising in the labor and employment context. The firm's labor and employment practice occurs in federal court and before numerous state and local courts and administrative agencies. The types of cases Zelle Hofmann attorneys have litigated or currently are litigating include wrongful termination, age, sexual, racial and disability discrimination and harassment, violation of both federal and state labor and employment statutes, trade secret protection and unfair competition, and matters involving employee benefit funds.

View case summaries of labor and employment matters.

Examples of Labor and Employment Cases

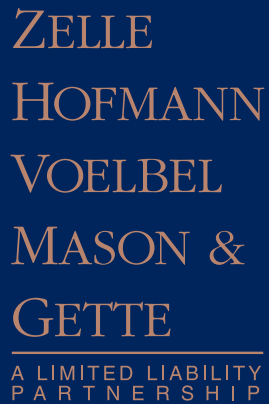
Wrongful Termination and Disability Discrimination (C.D. Cal.). Zelle Hofmann attorneys represent the defendants in a case involving claims for wrongful termination in violation of the Americans with Disabilities Act, Fair Employment and Housing Act, Family and Medical Leave Act and California Family Rights Act. Zelle Hofmann attorneys filed a motion for summary judgment on behalf of its clients, which was recently granted. The court determined that there was no evidence to support claims for wrongful termination, constructive termination and retaliation, and applied the one year statute of limitations to the claims for sexual harassment.

Sexual harassment, gender discrimination, retaliation, and constructive discharge (Superior Court, Central District, Los Angeles). This case involves serious claims of sexual harassment, in particular, hostile work environment, quid pro quo harassment, sexual assault and battery, in addition to claims for gender discrimination, retaliation and constructive discharge. The claim alleges violation of California's Fair Employment and Housing Act. Zelle Hofmann attorneys filed a motion for summary judgment on the issue of whether or not the plaintiff had properly pled a claim for relief under the ADA. The motion was granted and all claims regarding the ADA were dismissed. There remains only a claim for sexual discrimination.

Gender discrimination and retaliatory discharge (E.D. Mich.). In this case, Zelle Hofmann attorneys represented a corporate defendant against claims by an employee for sexual discrimination and retaliatory discharge. Zelle Hofmann attorneys defended both a private action brought by the plaintiff, as well as a separate action brought by the EEOC. This matter was settled favorably to our client.

Breach of employment contract and wrongful termination in violation of public policy (Cal. Super. Ct., Contra Costa Cty.). Zelle Hofmann attorneys represented a corporate defendant in this case, wherein the plaintiff alleged breach of his employment contract and wrongful termination in violation of public policy. On behalf of their client, Zelle Hofmann attorneys obtained summary judgment on the plaintiff's employment contract claim, and summary adjudication on multiple wrongful termination issues.

Age discrimination litigation (Ariz. Super. Ct., Maricopa Cty. and D. Ariz.). In these related state and federal cases, Zelle Hofmann attorneys represented employees asserting claims of age discrimination in employment, which arose out of reductions in force conducted by the defendant.



Public Interest Litigation

Zelle Hofmann attorneys have represented individuals and organizations in numerous matters of significant public interest over the years. These matters have included, among others, cases involving public health and safety laws, the rights of disabled persons, human rights violations under U.S. and international law, as well as civil rights.

View case summaries of public interest matters.

Partners

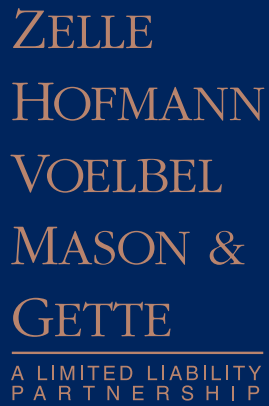
- Joseph W. Bell
- Scott R. Campbell
- Daniel S. Mason
- Durwood J. Zaelke

Examples of Public Interest Cases

Bottled Water Litigation (Cal. Super. Ct., San Francisco Cty.). Zelle Hofmann attorneys represented a consumer suing on behalf of the general public in this consolidated action against a number of bottled water producers. The complaint alleged that the defendants sold to consumers certain bottled water products containing excessive levels of unhealthful contaminants, including arsenic, trihalomethanes and heterotrophic bacteria. The complaint asserted that the sale of those bottled water products was unlawful under California's bottled water quality laws, and that certain bottled water producers were deceptively marketing their products. Zelle Hofmann attorneys, along with their co-counsel, obtained consent judgments against all of the defendants.

Disability Rights Litigation (C.D. Cal. and Cal. Super Ct., Alameda Cty.). Zelle Hofmann attorneys represent people with mobility disabilities in two pending cases. In one action, four wheelchair users allege that two Southern California department stores of a major national chain violate the Americans with Disabilities Act and California disability access laws by failing to provide equal access to the merchandise. The action seeks injunctive relief and damages under California law. Zelle Hofmann also represents a disability rights organization in a private attorney general action against another major department store chain. The complaint, which seeks injunctive relief, alleges that the chain denies people with mobility disabilities equal access to the merchandise in its California stores in violation of California's Unfair Competition Law, Business and Professions Code section 17200 *et. seq.*

In re Austrian and German Bank Holocaust Litigation (S.D.N.Y.). A complex action against a number of German and Austrian banks. This action involved tort and international law claims on behalf of Holocaust survivors and their heirs. The claims alleged, among other things, that the German and Austrian banks were complicit in and profited from the seizure, looting and laundering of assets of persecutees of the Nazi regime during World War II. This and other related cases resulted in the establishment of a \$5 billion fund which is being used to compensate slave laborers and forced laborers during World War II, Holocaust survivors and their heirs, and other victims of Nazi persecution during World War II.



Real Estate Litigation

Partners

- Catherine M. Colinvaux
- John B. Massopust
- Daniel J. Millea
- Timothy W. Regan
- Troy J. Seibert
- John C. Steele

Zelle Hofmann attorneys have extensive experience in complex real estate litigation in state and federal courts around the country, involving individual matters and class actions. Based on our research and analysis of decades of case law governing the property rights of individual landowners and corporations nationwide, we have extensive knowledge of substantive property rights and the procedural mechanisms available to enforce those rights. We have worked with a broad network of law firms, experts and consultants nationwide that have substantial experience concerning property rights, real estate valuation and industry procedures and practices. Our litigation experience includes individual suits and class actions related to ownership interests in railroad, pipeline, utility and highway rights of way and the use of such rights of way for the installation of fiber optic cable networks. We also have extensive litigation experience in property insurance coverage matters involving substantive property rights and valuations related to building leases, tenant improvements, rental values, financing and other contractual interests.

Representative Matters

Fiber Optic Right of Way - Nationwide class action litigation in which class members alleged trespass by telecommunication company defendants on class members' property via the construction of nationwide fiber optic networks, and sought hundreds of millions of dollars in damages

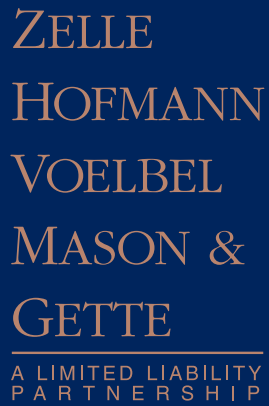
Reinsurance

Zelle Hofmann has deep experience in a myriad of subject matters related to reinsurance disputes. Zelle Hofmann attorneys have experience in reinsurance disputes relating to both broker and direct reinsurance markets. The firm has represented ceding companies, reinsurers, retrocessionaires, and reinsurance intermediaries. It has acted on behalf of clients in arbitration, litigation, and in connection with specific claim analysis involving treaty and facultative reinsurance. Zelle Hofmann attorneys have also acted as mediators and arbitrators in reinsurance disputes. Zelle Hofmann attorneys have arbitrated or litigated such issues as:

- Aggregate extension clauses
- Bad faith
- Cutoff
- Declaratory judgment expenses
- Follow the fortunes and settlements
- Fraud and collusion
- Late notice
- Offset
- Right to associate

Partners

- Catherine M. Colinvau
- Wm. Gerald McElroy, Jr.
- Timothy W. Regan
- Stephen M. Rogers
- Patricia St. Peter
- Karl S. Vasiloff
- Richard L. Voelbel
- Brett A. Wallingford
- Lawrence Zelle



Securities Litigation

Partners

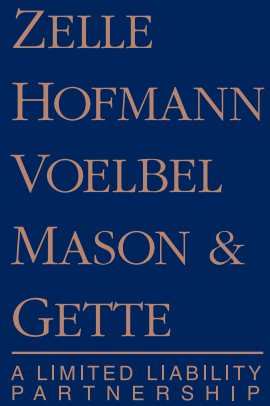
- Joseph W. Bell
- Kerry K. Brown
- Scott R. Campbell
- Craig C. Corbitt
- Lawrence T. Hofmann
- Daniel S. Mason
- John C. Steele
- Richard L. Voelbel

Zelle Hofmann lawyers have broad experience in litigation matters arising out of the securities laws. We represent clients in matters ranging from class actions brought by private plaintiffs to enforcement actions brought by the Securities and Exchange Commission. We have extensive experience representing issuers, underwriters, accounting firms, financial institutions, securities firms, officers, directors, broker/dealers and outside professionals, including attorneys, accountants, and financial advisors. We regularly represent clients in state and federal court litigation, regulatory and investigative proceedings, and arbitrations throughout the country. Over the years we have achieved significant success for our clients through early dismissals of actions and summary judgments. We have also successfully tried numerous cases and arbitrations. Because our attorneys are skilled trial lawyers and prepare each case with an eye toward presenting the case before a judge or jury, we are often able to obtain favorable resolutions for our clients without actually having to go to trial.

Our clients come from all segments of the securities markets and our attorneys understand not only the law, but our clients' businesses as well. Zelle Hofmann attorneys have substantial experience defending companies and individuals in civil and criminal securities litigation and investigations initiated by the SEC, Department of Justice and the NASD. We frequently defend broker-dealers in securities arbitrations. We have successfully defended clients against claims of unauthorized trading, churning unsuitability, failure to supervise, breach of fiduciary duty and fraud in cases involving stocks, bonds, options and derivative securities.

Zelle Hofmann also routinely represents clients in shareholder derivative suits and class actions. We are frequently called on to represent clients in disputes arising from the collapse of businesses, disputes growing out of joint ventures, distribution and licensing arrangements, contested acquisitions, and defaults in contractual performance.

Representative clients include: Citicorp Investment Services, HSBC, Merrill Lynch, Morgan Stanley, NFP Securities, Round Hill Securities, Smith Barney, and Wells Fargo.



Trade Regulation

Zelle Hofmann attorneys have extensive experience in matters before numerous domestic and international regulatory agencies, including the Department of Justice, the Food and Drug Administration, the Federal Trade Commission, the International Trade Commission, the Interstate Commerce Commission, the National Association of Securities Dealers and the Securities Exchange Commission.

Partners

- Scott R. Campbell
- Craig C. Corbitt
- Richard M. Hagstrom
- Daniel S. Mason
- Mitchell J. Rapp
- Durwood J. Zaelke